

ACTS OF 2022 LEGISLATURE

Acts 540-597

ACT No. 540

SENATE BILL NO. 147
BY SENATOR MIZELL
AN ACT

To amend and reenact R.S. 40:1216.1(G) and to enact R.S. 40:1216.1(H), relative to procedures for victims of sex offenses; to require that healthcare providers make certain records available to sexual assault survivors; to provide relative to documents requested by the victim after a forensic medical examination has been performed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1216.1(G) is hereby amended and reenacted and R.S. 40:1216.1(H) is hereby enacted to read as follows:

§1216.1. Procedures for victims of a ~~sexually-oriented~~ **sexually oriented** criminal offense; immunity; regional plans; maximum allowable costs; definitions; **documents requested by victim**

* * *

G.(1) Upon request of a competent adult victim of a sexually oriented criminal offense, the healthcare provider that performed the forensic medical exam shall provide a reproduction of any written documentation which is in the possession of the healthcare provider resulting from the forensic medical exam of the victim. The documentation shall be provided to the victim no later than fourteen days after the healthcare provider receives the request or the healthcare provider completes the documentation, whichever is later.

(2) The reproduction of written documentation provided for in this Subsection shall be made available at no cost to the victim and may only be released at the direction of the victim who is a competent adult. This release does not invalidate the victim's reasonable expectation of privacy nor does the record become a public record after the release to the victim.

H. For purposes of this Section the following definitions apply:

(1) "Forensic medical examination" has the same meaning as defined in R.S. 15:622.

(2) "Healthcare provider" means either of the following:

(a) A physician or other healthcare practitioner licensed, certified, registered, or otherwise authorized to perform specified healthcare services consistent with state law.

(b) A facility or institution providing healthcare services, including but not limited to a hospital or other licensed inpatient center, ambulatory surgical or treatment center, skilled nursing facility, inpatient hospice facility, residential treatment center, diagnostic, laboratory, or imaging center, or rehabilitation or other therapeutic health setting.

(3) "Healthcare services" means services, items, supplies, or drugs for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease ancillary to a ~~sexually-oriented~~ **sexually oriented** criminal offense.

(4) "Sexually-oriented criminal offense" has the same meaning as defined in R.S. 15:622.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 541

SENATE BILL NO. 190
BY SENATORS HEWITT AND FOIL
AN ACT

To enact Subpart A-3 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:187.1 through 187.5, and R.S. 36:651(F)(7), relative to computer science education; to provide for legislative findings and intent; to provide for the development of a statewide computer science education program; to create the Computer Science Education Advisory Commission; to provide for its membership, compensation, and duties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart A-3 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:187.1 through 187.5, is hereby enacted to read as follows:

SUBPART A-3. COMPUTER SCIENCE EDUCATION

§187.1. Short title

THE ADVOCATE
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* As it appears in the enrolled bill

This Subpart shall be known as the "Computer Science Education Act".
§187.2. Computer science education; legislative findings; intent

A. The legislature finds the following:

(1) Computer science is a transforming industry that bolsters productivity, drives innovation, and creates commerce.

(2) Knowledge of computer science and the use of technology is essential for all individuals, not just those working or planning to work in the technology sector.

(3) Cross-curricular instruction at all grade levels in computer science will enhance student achievement in core subjects, increase student motivation for learning, and develop a skilled workforce.

(4) Positions related to computer science are some of the fastest-growing in the global economy, yet many of those positions remain unfilled. In order to fill those positions, a comprehensive computer science education strategy needs to be integrated into the elementary and secondary grades that flows seamlessly into careers and postsecondary education pathways.

(5) In Louisiana, the fastest growing industry is Professional, Scientific, and Technical Services which is composed of much of the technology industry. Software developers and network administrators are among the ten fastest-growing occupations in the state requiring a college education, yet the state is producing fewer than half of the graduates needed to fill computer science-related jobs.

(6) Successful completion of rigorous postsecondary computer science programs requires a thorough foundation at the elementary and secondary education level.

(7) It is in the public interest that a comprehensive computer science education initiative be undertaken to ensure Louisiana has citizens who have the expertise to perform the technology skills embedded in most professions, who can meet the ever-increasing workforce demands in the technology sector, and who can envision and grow the next generation of technological advances.

(8) In order to fulfill the need for a comprehensive computer science education, more teachers need to be trained to teach computer science and all schools need to offer computer science courses.

B. It is the intent of the legislature to create a comprehensive statewide computer science education program that benefits all citizens, flows seamlessly between all levels of education, and meets the needs of a dynamic and competitive economy.

§187.3. Computer Science Education Advisory Commission; establishment, members, purpose

A.(1) The Computer Science Education Advisory Commission, referred to in this Chapter as the "advisory commission", is established to provide recommendations to the State Board of Elementary and Secondary Education through the state Department of Education for the development and implementation of a state action plan for the delivery of education in computer science in all public schools.

(2) The advisory commission shall be composed of the following members:

(a) One member appointed by the governor.

(b) One member appointed by the president of the Senate.

(c) One member appointed by the speaker of the House of Representatives.

(d) The state superintendent of education, or his designee.

(e) A member of the State Board of Elementary and Secondary Education, appointed by the board president.

(f) The commissioner of higher education, or his designee.

(g) A member of the Board of Regents, appointed by the board president.

(h) The executive director of the Louisiana Office of Student and Financial Assistance, or his designee.

(i) The president of the Louisiana Community and Technical College System, or his designee.

(j) The president of the Louisiana State University System, or his designee.

(k) The president of the University of Louisiana System, or his designee.

(l) The president of the Southern University System, or his designee.

(m) The secretary of the Louisiana Workforce Commission, or his designee.

(n) The secretary of the Louisiana Economic Development, or his designee.

(o) A computer science professor appointed by the commissioner of higher education.

(p) A public high school computer science teacher appointed by the president of the Louisiana Chapter of Computer Science Teachers Association.

(q) A public middle school computer science teacher appointed by the president of the Louisiana Chapter of Computer Science Teachers Association.

(r) A public elementary school computer science teacher appointed by the president of the Louisiana Chapter of Computer Science Teachers Association.

(s) A superintendent of a public school system appointed by the Louisiana Association of School Superintendents.

(t) The executive director of the Louisiana Association of Public Charter Schools, or his designee.

(u) The executive director of the Louisiana School Boards Association, or his designee.

(v) The chairmen of the Senate and House committees on education, or their designees.

(w) The president of the Louisiana Association of Independent Colleges and Universities, or his designee.

(3) The members shall serve without compensation, except for per diem or reimbursement of expenses to which they may be entitled as members of the constituent organizations.

(4) The state superintendent of education shall call an organizational meeting of the advisory commission by August 15, 2022. The advisory commission shall

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

elect a chairman and any other officers deemed necessary from among the membership at such meeting. Thereafter, the advisory commission shall meet upon call of the chairman.

(5) A majority of the total membership shall constitute a quorum of the advisory commission, and any official action taken by the advisory commission shall require an affirmative vote of the majority of the quorum present and voting.

(6) The state Department of Education shall provide staff support for the advisory commission.

(7) The advisory commission shall cease to exist on December 1, 2024, unless the State Board of Elementary and Secondary Education provides for the continued existence of the advisory commission through the board's rules and procedures. The board shall inform the Louisiana Law Institute of termination or continuation of the advisory commission.

B. The commission shall work with:

(1) Public elementary and secondary education administrators and teachers to identify the gaps between computer science education services currently provided and those needed in both the near- and long-term and possible reasons for such gaps.

(2) Faculty members in teacher education programs at postsecondary education institutions and current computer science teachers to identify:

(a) Appropriate computer science education teacher competencies.

(b) Acceptable approaches for current classroom teachers to develop the competencies.

(c) Whether there is a need to create professional development programs to assist current teachers in developing needed computer science education competencies.

(d) Methods to recruit and retain computer science teachers.

(3) Business leaders and postsecondary education institutions to identify computer science workforce needs and the skills postsecondary students need to successfully navigate postsecondary computer science programs.

C. By December 1, 2023, the advisory commission shall provide a report to the State Board of Elementary and Secondary Education on recommendations and items to be addressed in a statewide plan for computer science. At a minimum, the report shall address the following items:

(1) State content standards in computer science for grades kindergarten through twelve.

(2) Coordination of computer science education between elementary and secondary schools, postsecondary education institutions, and the workforce.

(3) Any computer science requirements for high school graduation, postsecondary entrance, and eligibility for the Taylor Opportunity Program for Students.

(4) Standardized computer science teacher training, including certification requirements, preservice training programs, and professional development activities.

(5) Technical assistance grants to public schools needed for the creation and expansion of computer science courses.

(6) Funding strategies for computer science teacher training and expansion of computer science courses offered in public schools.

§187.4. State action plan for computer science education

The State Board of Elementary and Secondary Education, upon recommendations of the Computer Science Advisory Commission and the state Department of Education, shall develop and approve a state action plan for computer science education for kindergarten through grade twelve. The state action plan shall provide for a comprehensive, integrated plan for providing computer science education in Louisiana public schools. The plan shall address instructional strategies, guidelines, content standards, and teacher development. Upon its approval, the State Board of Elementary and Secondary Education shall submit the action plan to the legislature for its review.

§187.5. Funding

The state action plan established pursuant to this Subpart shall be implemented upon the appropriation of funds for this purpose.

Section 2. R.S. 36:651(F)(7) is hereby enacted to read as follows:

§651. Transfer of boards, commissions, departments, and agencies to Department of Education; boards, commissions, and agencies within Department of Education

* * *

F. The following agencies are transferred to and hereafter shall be within the Department of Education as provided in R.S. 36:901 et seq.:

* * *

(7) The Computer Science Education Advisory Commission (R.S. 17:187.3).

* * *

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 542

SENATE BILL NO. 259

To enact Chapter 21 of Title 49 of the Revised Statutes of 1950, to be comprised of R.S. 49:1401-1403, relative to certain public benefit programs; to require annual reports from state agencies administering federal and state social services and financial assistance programs; to enhance program integrity; to eliminate fraud, waste, and abuse of federal and state resources; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 21 of Title 49 of the Revised Statutes of 1950, comprised of R.S. 49:1401-1403, is hereby enacted to read as follows:

CHAPTER 21. REPORTS

§1401. Short title

This Chapter shall be known and may be cited as the "Public Benefit Integrity Law".

§1402. Definition of terms

As used in this Chapter, the following terms have the meanings ascribed to them in this Section unless otherwise clearly indicated by context:

(1) "Agency" means any of the following state departments:

(a) Department of Children and Family Services.

(b) Department of Education.

(c) Louisiana Department of Health.

(d) Louisiana Workforce Commission.

(2) "Program" means any of the following:

(a) Medicaid.

(b) Temporary Assistance for Needy Families (TANF).

(c) Family Independence Temporary Assistance (FITAP).

(d) Supplemental Nutrition Assistance Program (SNAP).

(e) Supplemental Nutrition Assistance Program for Women, Infants, and Children (WIC).

(f) Unemployment Compensation.

(g) Child Care Assistance Program (CCAP).

(3) "Procedural reason" means a reason for an action on a program case related to an agency's nonreceipt of materials or information necessary for determining benefit eligibility.

§1403. Reports

Beginning in 2023, any agency that administers a program shall, no later than February fifteenth of each year, submit a report to the legislature, providing, at a minimum, the following information:

(1) For the current fiscal year, the total dollar amount and percentage of the agency's budget for the program allocated for program integrity and eliminating fraud, waste, and abuse.

(2) A description of the agency's current policies and practices that reduce fraud, waste, and abuse of program benefits.

(3) For the preceding calendar year, the total number of individuals determined by the agency or Legislative Auditor to have improperly received benefits through the program and the total dollar amount of benefits improperly received.

(4) The type and amount of improper payments.

(5) The type and amount of any improper payments prevented, if known.

(6) The dollar amount the state saved in preventing improper payments, and if any, in recouping improper payments.

(7) A description of all policies, processes, and procedures in place at the agency to determine eligibility for the program. The description shall include details about what information the agency verifies or cross-checks through databases and data exchanges with other agencies, including national databases, and the frequency of that verification or cross-checking.

(8) A description of all policies, processes, and procedures in place at the agency to identify individuals receiving benefits under the program who are no longer eligible to receive benefits and what steps, if any, are taken and under what timeline, to remove identified individuals from program participation.

(9) A detailed description of all policies, processes, and procedures in place at the agency to verify federal or state work or work search requirements for benefit eligibility, if applicable.

(10) The frequency with which the agency performs the verification.

(11) A description of any barriers the agency identifies to implementing additional program integrity measures, including privacy or data sharing impediments, administrative burden, and any increase in financial cost.

(12) A description of all metrics and data points used by the agency to measure success of the program, including all metrics and data points related to program integrity and fraud.

(13) For the preceding calendar year, measures of access in the program, including:

(a) For each month, the number of applications received, the percentage of applications denied, and the percentage of applications denied for procedural reasons.

(b) Monthly call center performance metrics for call centers serving clients and applicants, including the average number of calls and the average and maximum call wait times.

(c) The average caseload per caseworker.

(14) A detailed description of the program's administrative appeals process for clients, including but not limited to the number of hearings requested by clients and the number of hearings waived by clients.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III,

Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 543

SENATE BILL NO. 267
BY SENATOR HEWITT
AN ACT

To amend and reenact R.S. 24:53(A)(6) and (7) and R.S. 49:74(A)(6) and (7), to enact R.S. 24:53(A)(4)(b)(xxxiii) and (8) and R.S. 49:74(A)(8), and to repeal R.S. 24:53(H)(2), relative to registration of lobbyists; to provide for required information; to require disclosure of whether the registrant has completed certain required training; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:53(A)(6) and (7) are hereby amended and reenacted and R.S. 24:53(A)(4)(b)(xxxiii) and (8) are hereby enacted to read as follows:

§53. Registration of lobbyists with the board; compilation of information

A. Each lobbyist shall register with the board as soon as possible after employment as a lobbyist or after the first action requiring his registration as a lobbyist, whichever occurs first, and in any event not later than five days after employment as a lobbyist or not later than five days after the first action requiring his registration as a lobbyist, whichever occurs first. He shall electronically file with the board using forms provided by it, the following information:

* * *

(4)

* * *

(b) Indication of potential subject matters shall be made by choosing from the following potential subject matter categories:

* * *

(xxxiii) Appropriations.

* * *

(6) If the registrant was a registered lobbyist during the previous calendar year, whether the registrant completed the annual training required pursuant to R.S. 42:1170 for the previous calendar year.

(7) One copy of a two inch by two inch recent photograph of the registrant made within the prior six months shall be filed with the initial registration form for a legislative term.

(7)(8) If a lobbyist is compensated for lobbying and non-lobbying services, he shall reasonably allocate his compensation and report only the amount received for lobbying in the manner provided in this Part.

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Section 2. R.S. 49:74(A)(6) and (7) are hereby amended and reenacted and R.S. 49:74(A)(8) is hereby enacted to read as follows:

§74. Registration of lobbyists with the ethics board; compilation of information

A. Each lobbyist shall register with the ethics board as soon as possible after employment as a lobbyist or after the first action requiring his registration as a lobbyist, whichever occurs first, and in any event not later than five days after employment as a lobbyist or not later than five days after the first action requiring his registration as a lobbyist, whichever occurs first. He shall electronically file with the ethics board using forms provided by it, the following information:

* * *

(6) If the registrant was a registered lobbyist during the previous calendar year, whether the registrant completed the annual training required pursuant to R.S. 42:1170 for the previous calendar year.

(7) One copy of a two-inch-by-two-inch recent photograph of the registrant made within the prior six months shall be filed with the initial registration form.

(7)(8) If a lobbyist is compensated for lobbying and non-lobbying services, he shall reasonably allocate his compensation and report only the amount received for lobbying in the manner provided in this Part.

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Section 3. R.S. 24:53(H)(2) is hereby repealed in its entirety.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 544

SENATE BILL NO. 273

BY SENATORS FOIL AND BARROW AND REPRESENTATIVE MARINO
AN ACT

To enact R.S. 15:574.4(K), relative to parole; to provide eligibility for parole consideration for offenders serving a life sentence for offenses committed on or before July 2, 1973, to which the offender pled guilty; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(K) is hereby enacted to read as follows:
§574.4. Parole; eligibility; juvenile offenders

* * *

K. Notwithstanding any provision of law to the contrary, an offender serving a life sentence for an offense committed on or before July 2, 1973, and for which the offender pleaded guilty, shall immediately be eligible for parole consideration.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 545

SENATE BILL NO. 342

BY SENATORS JACKSON, CLOUD, ROBERT MILLS, MIZELL, PEACOCK AND STINE AND REPRESENTATIVES AMEDEE, BAGLEY, BEAULLIEU, BISHOP, BUTLER, CARRIER, COUSSAN, CREWS, DAVIS, DESHOTEL, DEVILLIER, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FRIEMAN, GADBERRY, GAROFALO, GOUDEAU, HARRIS, HODGES, HORTON, HUVAL, TRAVIS JOHNSON, MCFARLAND, MCKNIGHT, MIGUEZ, CHARLES OWEN, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SEABAUGH, STEFANSKI, THOMAS, THOMPSON, WHITE, WRIGHT AND ZERINGUE
AN ACT

To amend and reenact the heading of R.S. 14:32.9 and (A) and the introductory paragraph of (D), the heading of 32.9.1 and (A) and the introductory paragraph of (D), 87.1, 87.2, and 87.5, R.S. 40:1061(A), (D), and (I), 1061.1(D) and (E), 1061.1.3(C), 1061.8, 1061.11(A), 1061.12, 1061.22, 1061.23, 1061.24, 1061.26, 1061.28, 1061.30, 2175.1, 2175.2, and 2175.3, to enact R.S. 1:18, R.S. 14:32.9(E), 87.1.1, 87.7, and 87.8, and R.S. 40:1061.1(H), 1061.1.1(D), 1061.10(F), 1061.11(G), 1061.11.1(G), 1061.13(D) and (E), 1061.14(E), 1061.14.1(C), 1061.15(E), 1061.16(F), 1061.17(J)(3), 1061.19(H), 1061.20(D), 1061.21(F), 1061.25(F), 2175.4(F), 2175.6(J), 2175.7(C), 2175.8, and 2175.9, and to repeal R.S. 14:32.9(B), 32.9.1(B), 32.10, 32.11(B), 87, 87.3(B) and R.S. 40:1061.1.1(B), 1061.1.2(A), 1061.1.3(B), 1061.9(1) through (11), 1061.12(A), 1061.27, and 1061.28(B), relative to abortion; to provide for legislative intent; to provide for the interpretation of multiple abortion statutes; to provide for the independent construction of each separate enactment of law related to abortion; to provide for the severability; to restrict certain ordinances enacted by local governing authorities; to provide with respect to the crime of abortion; to provide relative to a late term abortion; to provide with respect to partial birth abortion; to provide for penalties; to provide for definitions; to provide for effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 1:18 is hereby enacted to read as follows:

§18. Construction of laws relative to abortion

A. It is the intention of the Legislature of Louisiana to prohibit and restrict abortion and to thereby preserve the life of each unborn child to the fullest extent permitted by law.

B.(1) All laws or parts of laws prohibiting or restricting abortion shall not be negated or superseded by the laws regulating outpatient abortion facilities or regulating the practice of abortion, as provided in R.S. 40:1061.8.

(2) Laws regulating or prohibiting an abortion at a certain gestational age of the unborn child shall not be in conflict with other laws that regulate or prohibit abortion at a different gestational age of the unborn child.

C. No governing authority of a political subdivision shall enact any ordinance or regulation that authorizes or regulates abortion.

D. Unless otherwise specifically provided therein, the provisions of each act of the legislature prohibiting or regulating abortion are severable, whether or not a provision to that effect is included in the act. If any provision or item of an act prohibiting or regulating abortion, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the act which can be given effect without the invalid provision, item, or application.

E. This Section shall apply to acts of the legislature affecting general laws, and local and special laws, and statutes of the state, including the Louisiana Revised Statutes of 1950, the Civil Code, the Code of Civil Procedure, the Code of Criminal Procedure, the Code of Evidence, and the Children's Code.

Section 2. The heading of R.S. 14:32.9 and (A) and the introductory paragraph of (D), the heading of 32.9.1 and (A) and the introductory paragraph of (D), 87.1, 87.2, and 87.5 are hereby amended and reenacted and R.S. 14:32.9(E), 87.1.1, 87.7, and 87.8 are hereby enacted to read as follows:

§32.9. ~~Criminal abortion~~ **Abortion by an unlicensed physician**

A. ~~Criminal abortion~~ **The crime of abortion by an unlicensed physician** is an abortion performed, with or without the consent of the pregnant woman or her legal guardian, that results in the death of an unborn child when the abortion is performed by any individual who is not a physician licensed by the state of Louisiana.

* * *

D. Statutory Construction. None of the following shall be construed to create the crime of ~~criminal abortion~~ **by an unlicensed physician**:

* * *

E. The provisions of R.S. 40:1061.8 shall apply to this Section.

* * *

§32.9.1. Aggravated ~~criminal abortion~~ by dismemberment

A. Aggravated ~~criminal abortion~~ by dismemberment is the commission of a ~~criminal an~~ abortion, as defined in R.S. 14:32.9(A), when the unborn child is intentionally dismembered, whether the act of dismemberment was in the course of or following the death of the unborn child.

* * *

D. Exceptions. None of the following shall be construed to create the crime of ~~criminal~~ **aggravated abortion by dismemberment**:

* * *

§87.1. Definitions

Wherever used in this Subpart, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall have the following meanings:

(1)(a) **“Abortion” or “induced abortion” means the performance of any act with the intent to terminate a clinically diagnosable pregnancy with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child by one or more of the following means:**

(i) **Administering, prescribing, or providing any abortion-inducing drug, potion, medicine, or any other substance, device, or means to a pregnant female.**

(ii) **Using an instrument or external force on a pregnant female.**

(b) **Abortion shall not mean any one or more of the following acts, if performed by a physician:**

(i) **A medical procedure performed with the intention to save the life or preserve the health of an unborn child.**

(ii) **The removal of a dead unborn child or the inducement or delivery of the uterine contents in case of a positive diagnosis, certified in writing in the woman’s medical record along with the results of an obstetric ultrasound test, that the pregnancy has ended or is in the unavoidable and untreatable process of ending due to spontaneous miscarriage, also known in medical terminology as spontaneous abortion, missed abortion, inevitable abortion, incomplete abortion, or septic abortion.**

(iii) **The removal of an ectopic pregnancy.**

(iv) **The use of methotrexate to treat an ectopic pregnancy.**

(v) **The performance of a medical procedure necessary in good faith medical judgment or reasonable medical judgment to prevent the death or substantial risk of death to the pregnant woman due to a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman. However, the physician shall make reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of her unborn child in a manner consistent with reasonable medical practice.**

(vi) **The removal of an unborn child who is deemed to be medically futile. The diagnosis shall be a medical judgment certified by two qualified physicians and recorded in the woman’s medical record. The medical procedure shall be performed in a licensed ambulatory surgical center or hospital. Upon the completion of the procedure, the physician shall submit an individual abortion report consistent with R.S. 40:1061.21 that includes appropriate evidence of the certified diagnosis.**

(2)(a) **“Abortion-inducing drug” means any drug or chemical, or any combination of drugs or chemicals, or any other substance when used with the intent to cause an abortion, including but not limited to RU-486, the Mifeprex regimen, misoprostol (Cytotec), or methotrexate.**

(b) **Abortion-inducing drug shall not mean a contraceptive, an emergency contraceptive, or the use of methotrexate to treat an ectopic pregnancy.**

(3) **“Bona fide medical reason” means a medical condition which is recognized by any medical licensing board as a standard of care, except that “bona fide medical reason” shall not include abortion, as defined in Paragraph (1) of this Section.**

(4) **“Clinically diagnosable pregnancy” means a pregnancy that is capable of being verified by one of the following conventional medical testing methods, whether or not any testing was in fact performed by any person:**

(a) **A blood or urine test, whether used at-home or in a medical setting, that tests for the human pregnancy hormone known as human chorionic gonadotropin (hCG) that medically indicates that implantation has occurred.**

(b) **An ultrasound examination.**

(5) **“Conception” or “fertilization” means the fusion of a human spermatozoon with a human ovum.**

(6) **“Contraceptive” means any device, measure, drug, chemical, or product, including single-ingredient levonorgestrel, that has been approved by the United States Food and Drug Administration for the purpose of preventing pregnancy and is intended to be administered prior to the time when a clinically diagnosable pregnancy can be determined, provided that the contraceptive is sold, prescribed, or administered in accordance with manufacturer’s instructions.**

(7) **“Dismembered” or “dismemberment” means the use of a clamp, forceps, curette, suction cannula, or any other surgical tool or instrument with the intent**

to disarticulate the head or limbs from the body of the unborn child during an abortion, including but not limited to the common abortion methods known as suction curettage and dilation and evacuation.

(8) **“Emergency contraceptive” means a drug, chemical, or product, including but not limited to single-ingredient levonorgestrel or ulipristal, that has been approved by the United States Food and Drug Administration designed or intended to be taken after sexual intercourse but prior to the time when a clinically diagnosable pregnancy can be determined, provided that the emergency contraceptive is sold, prescribed, or administered in accordance with manufacturer’s instructions or is prescribed in accordance with the standard of care that generally accepted by the American College of Obstetricians and Gynecologists.**

(9) **“Fetal body part” means a cell, tissue, organ, or other part of an unborn child who is aborted by an induced abortion.**

(10) **“Fetal heartbeat” means cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac.**

(11) **“Fertilization” means the fusion of a human spermatozoon with a human ovum.**

(12) **“Gestational age” means the age of the unborn child as measured by the time elapsed since the first day of the last menstrual period as determined by a physician and confirmed through the use of an ultrasound test of a quality generally used in existing medical practice.**

(13) **“Genetic abnormality” means any defect, disease, or disorder that is inherited genetically. The term includes, without limitation, any physical disfigurement, scoliosis, dwarfism, Down syndrome, albinism, amelia, and any other type of physical, mental, or intellectual disability, abnormality, or disease.**

(14) **“Good faith medical judgment” or “reasonable medical judgment” means a physician’s use of reasonable care and diligence, along with his best judgment, in the application of his skill. The standard of care required of every healthcare provider, in rendering professional services or health care to a patient, shall be to exercise that degree of skill ordinarily employed, under similar circumstances, by the members of his profession in good standing in the same community or locality.**

(15) **“Infant” means the offspring of human parents from the moment of live birth, regardless of the duration of gestation in the womb prior to live birth.**

(16) **“Late term abortion” means the performance of an abortion when the gestational age of the unborn child is fifteen weeks or more.**

(17) **“Live birth”, “born alive”, or “live born human being”, means a member of the species homo sapiens that is expelled or extracted from its mother, at any stage of development, who after that expulsion or extraction breathes or shows signs of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.**

(18) **“Medical emergency” means the existence of any physical condition, not including any emotional, psychological, or mental condition, within the reasonable medical judgment of a reasonably prudent physician, with knowledge of the case and treatment possibilities with respect to the medical conditions involved, would determine necessitates the immediate abortion of the pregnancy to avert the pregnant woman’s death or to avert substantial and irreversible impairment of a major bodily function arising from continued pregnancy.**

(19)(a) **“Medically futile” means that, in reasonable medical judgment as certified by two physicians, the unborn child has a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth.**

(b) **The Louisiana Department of Health shall promulgate, in accordance with the Administrative Procedure Act, administrative rules establishing an exclusive list of anomalies, diseases, disorders, and other conditions which shall be deemed “medically futile” for purposes of this Subpart. The rules may also encompass diagnostic methods and standards by which a medically futile condition may be diagnosed, including but not limited to tests that are appropriate to the developmental stage and the condition of the unborn child.**

(20) **“Miscarriage” or “stillbirth” means the spontaneous or accidental death of an unborn child, whether the death occurred in the womb or in the process of birth. Death of the unborn child is indicated by the lack of signs of breathing or any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.**

(21) **“Partial birth abortion” means an abortion in which:**

(a) **The person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus.**

(b) **The person performing the abortion performs the overt act, other than completion of delivery, that kills the partially delivered living fetus.**

(22) **“Physician” means a person licensed to practice medicine in the state of Louisiana.**

(23) **“Pregnant” means that female reproductive condition of having a developing embryo or fetus in the uterus which commences at fertilization and implantation.**

(24) **“Receive a fetal organ” means acquiring any fetal organ or fetal body part, or the rights to any fetal organ or fetal body part, through an act of donation or sale via any transaction prohibited by this Subpart.**

(25) "Serious bodily injury" shall have the same meaning as defined in R.S. 14:2. For the purposes of this Section, "serious bodily injury" that includes the loss of an organ shall include a hysterectomy.

(26) "Serious health risk to the unborn child's mother" means that in reasonable medical judgment the mother has a condition that so complicates her medical condition that it necessitates the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

(27) "Unborn child", "unborn human being", or "fetus" shall have the same meaning as "unborn child" as defined in R.S. 14:2.

(28) "Viable" or "viability" means that stage of fetal development when, in the judgment of the physician based upon the particular facts of the case before the physician, and in light of the most advanced medical technology and information available to the physician, there is a reasonable likelihood of sustained survival of the unborn child outside the body of his mother, with or without artificial support.

(29) "Woman" or "mother" means a female human being, whether or not she has reached the age of majority.

§87.1.1. Killing a child during delivery; penalties

A. Killing a child during delivery is the intentional destruction, during parturition of the mother, of the vitality or life of a child in a state of being born and before actual birth, which child would otherwise have been born alive; provided, however, that the crime of killing a child during delivery shall not be construed to include any case in which the death of a child results from the use by a physician of a procedure during delivery which is necessary to save the life of the child or of the mother and is used for the express purpose of and with the specific intent of saving the life of the child or of the mother.

B. Whoever commits the crime of killing a child during delivery shall be imprisoned at hard labor in the penitentiary for life.

§87.2. Human experimentation on an infant born alive

A. Human experimentation is the use of any live born human being ~~infant who is born alive~~, without consent of that live born human being, as hereinafter defined, for any scientific or laboratory research or any other kind of experimentation or study except to protect or preserve the life and health of the live born human being, or the conduct, on a human embryo or fetus in utero, of any experimentation or study except to preserve the life or to improve the health of the human embryo or fetus.

B. A human being is live born, or there is a live birth, whenever there is the complete expulsion or extraction from its mother of a human embryo or fetus, irrespective of the duration of pregnancy, which after such separation, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

C. Whoever commits the crime of human experimentation ~~on an infant born alive~~ shall be imprisoned at hard labor for not less than five nor more than twenty years, or fined not more than ten thousand dollars, or both.

* * *

§87.5. Intentional failure to sustain life and health of aborted viable infant

A. The intentional failure to sustain the life and health of an aborted viable infant shall be a crime. The intentional failure to sustain the life and health of an aborted viable infant is the intentional failure, by any physician or person performing or inducing an abortion, to exercise that degree of professional care and diligence, and to perform such measures as constitute good medical practice, necessary to sustain the life and health of an aborted viable infant, when the death of the infant results.

B. For purposes of this Section, "viable" means that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supporting systems. Any person who commits the crime of intentional failure to sustain the life and health of an aborted viable infant shall be imprisoned at hard labor for not more than twenty-one years.

* * *

§87.7. Abortion

A. It shall be unlawful for a physician or other person to perform an abortion, with or without the consent of the pregnant female.

B. The terms used in this Section have the same meaning as the definitions provided in R.S. 14:87.1.

C. Whoever commits the crime of abortion shall be imprisoned at hard labor for not less than one year nor more than ten years and shall be fined not less than ten thousand dollars nor more than one hundred thousand dollars.

D. This Section does not apply to a pregnant female upon whom an abortion is committed or performed in violation of this Section and the pregnant female shall not be held responsible for the criminal consequences of any violation of this Section.

E. This Section shall not apply to the sale, use, prescription, or administration of a contraceptive or an emergency contraceptive.

F. The provisions of this Section shall become effective immediately upon, and to the extent permitted, by the occurrence of any of the following circumstances:

(1) Any decision of the Supreme Court of the United States which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion.

(2) Adoption of an amendment to the United States Constitution which, in whole or in part, restores to the state of Louisiana the authority to prohibit or limit abortion.

(3) A decision of the Supreme Court of the United States in the case of Dobbs

v. Jackson Women's Health Organization, Docket No. 19-1392, which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion.

§87.8. Late term abortion

A. It shall be unlawful for a physician or other person to perform a late term abortion, with or without the consent of the pregnant female.

B. Whoever commits the crime of late term abortion shall be imprisoned at hard labor for not less than one year nor more than fifteen years and shall be fined not less than twenty thousand dollars nor more than two hundred thousand dollars.

C. This Section does not apply to a pregnant female upon whom an abortion is committed or performed in violation of this Section and the pregnant female shall not be held responsible for the criminal consequences of any violation of this Section.

D. This Section shall not apply to the sale, use, prescription, or administration of a contraceptive or an emergency contraceptive.

F. The provisions of this Section shall become effective immediately upon, and to the extent permitted, by the occurrence of any of the following circumstances:

(1) Any decision of the Supreme Court of the United States which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit, limit, or regulate abortion.

(2) Adoption of an amendment to the United States Constitution which, in whole or in part, restores to the state of Louisiana the authority to prohibit or limit abortion.

(3) A decision of the Supreme Court of the United States in the case of Dobbs v. Jackson Women's Health Organization, Docket No. 19-1392, which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion.

Section 3. R.S. 40:1061(A), (D), and (I), 1061.1(D) and (E), 1061.1.3(C), 1061.8, 1061.11(A), 1061.12, 1061.22, 1061.23, 1061.24, 1061.26, 1061.28, 1061.30, 2175.1, 2175.2, and 2175.3 are hereby amended and reenacted and R.S. 40:1061.1(H), 1061.1.1(I), 1061.10(F), 1061.11(G), 1061.11.1(G), 1061.13(D) and (E), 1061.14(E), 1061.14.1(C), 1061.15(E), 1061.16(F), 1061.17(J)(3), 1061.19(H), 1061.20(D), 1061.21(F), 1061.25(F), 2175.4(F), 2175.6(J), 2175.7(C), 2175.8, and 2175.9 are hereby enacted to read as follows:

§1061. Abortion; prohibition

A. The provisions of this Act shall become effective immediately upon, and to the extent permitted, by the occurrence of any of the following circumstances:

(1) Any decision of the United States Supreme Court ~~Supreme Court of the United States~~ which reverses ~~overrules~~, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion.

(2) Adoption of an amendment to the United States Constitution which, in whole or in part, restores to the state of Louisiana the authority to prohibit or limit abortion.

(3) A decision of the Supreme Court of the United States in the case of Dobbs v. Jackson Women's Health Organization, Docket No. 19-1392, which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion.

* * *

D. Any person in violation of this Section shall be prosecuted pursuant to the effective provisions of ~~R.S. 14:87~~ R.S. 14:87.7, and shall be subject to the penalties provided in R.S. 40:1061.29.

* * *

I. The following terms as used in this Section shall have the following meanings: same meaning as the definitions provided in R.S. 14:87.1.

(1) "Fertilization" means that point in time when a male human sperm penetrates the zona pellucida of a female human ovum.

(2) "Pregnant" means the human female reproductive condition, of having a living unborn human being within her body throughout the entire embryonic and fetal stages of the unborn child from fertilization to full gestation and childbirth.

(3) "Unborn human being" means an individual living member of the species, homo sapiens, throughout the entire embryonic and fetal stages of the unborn child from fertilization to full gestation and childbirth.

* * *

§1061.1. Pain-Capable Unborn Child Protection Act

* * *

D. Determination of postfertilization post fertilization age.

(1) Except in the case of a medical emergency or when a pregnancy is diagnosed as medically futile, no abortion shall be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable ~~postfertilization~~ post fertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to ~~postfertilization~~ post fertilization age.

(2) Failure by any physician to conform to any requirement of this Section

constitutes “unprofessional conduct” pursuant to R.S. 37:1261.

E. Abortion of unborn child of twenty or more weeks postfertilization post fertilization age prohibited.

(1) No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable ~~postfertilization post fertilization~~ age of the woman’s unborn child is twenty or more weeks, unless the pregnancy is diagnosed as medically futile or, in reasonable medical judgment, she has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. ~~No such greater risk shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.~~

(2) When an abortion upon a woman whose unborn child has been determined to have a probable ~~postfertilization post fertilization~~ of twenty or more weeks is not prohibited by Paragraph (1) of this Subsection, the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. ~~No such greater risk shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.~~

H. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.1.1. Louisiana Unborn Child Protection from Dismemberment Abortion Act

I. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.1.3. Abortion prohibited; detectable fetal heartbeat; ultrasound required

C. Whoever violates this Section shall be prosecuted pursuant to the effective provisions of ~~R.S. 14:87~~ **R.S. 14:87.7** and shall be subject to the penalties provided in R.S. 40:1061.29.

§1061.8. Legislative intent, **construction of abortion provisions law regulating abortion**

A.(1) It is the intention of the Legislature of the State of Louisiana to regulate, ~~prohibit, or restrict~~ abortion to the **fullest** extent permitted by the decisions of the ~~United States Supreme Court of the United States~~. The Legislature ~~legislature~~ does solemnly declare, and find, **and in reaffirmation of reaffirm** the longstanding **public** policy of this State; **state** that the **every** unborn child is a human being from the **time moment** of conception and is, therefore, a legal person for purposes of the ~~unborn child’s right to life and is entitled to the right to life from conception~~ under the laws of **this state** and Constitution of this State **Louisiana**. Further, the Legislature

(2) The legislature further finds and declares that the longstanding policy of this state is to protect the right to life of the ~~every~~ unborn child from conception by prohibiting abortion **is** impermissible only because of the decisions of the ~~United States Supreme Court of the United States~~ and that, therefore, if those decisions of the United States Supreme Court are ever reversed or modified or the United States Constitution is amended to allow protection of the unborn then the ~~former public~~ **public** policy of this State **state** to prohibit abortions shall be enforced.

B.(1) The provisions of this Chapter that regulate the practice of abortion shall not be construed to repeal any other provision of law that restricts or prohibits abortion.

(2) The provisions of this Chapter that regulate the practice of abortion are enacted to provide for the health, safety, and welfare of women in outpatient abortion facilities until such time and to the extent that the state of Louisiana no longer regulates outpatient abortion facilities.

C. The provisions of this Chapter that regulate the practice of abortion are subject to R.S. 40:2175.9.

§1061.9. Definitions

As used in R.S. 40:1061.8 through 1061.29, the following words have the following meanings: **Wherever used in this Chapter, unless a different meaning clearly appears in the context, the terms, whether singular or plural, have the same meaning as the definitions provided in R.S. 14:87.1.**

§1061.10. Abortion by physician; determination of viability; ultrasound test required; exceptions; penalties

F. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.11. Drugs or chemicals used; penalties

A. When any drug or chemical is used for the purpose of inducing an abortion as ~~defined in R.S. 40:1061.9~~, the physician who prescribed the drug or chemical shall be in the same room and in the physical presence of the pregnant woman when the drug or chemical is initially administered,

dispensed, or otherwise provided to the pregnant woman.

G. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.11.1. Chemically-induced abortion; required disclosure

G. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.12. Born-Alive Infant Protection Act

~~A. In determining the meaning of any statute or of any rule, regulation, or interpretation of the various administrative agencies of this state, the words “person”, “human being”, “child”, and “individual” include every infant member of the species homo sapiens who is born alive at any stage of development.~~

B. An infant at any stage of development who has survived an abortion procedure resulting in his or her live birth shall be given reasonable and immediate medical care as provided in R.S. 40:1061.13(C), whether the abortion was considered legal or illegal under the law at the time that the abortion was performed.

B. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.13. Abortion after viability; second attendant physician required; duties

D. The provisions of this Section shall apply to an infant born alive and the infant born alive shall be given immediate medical care regardless of whether the abortion was considered legal or illegal under the law at the time the abortion was performed.

E. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.14. Minors

E. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.14.1. Fraudulent interference with parental consent

C. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.15. Prevention of forced abortion; signage in abortion facilities

E. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.16. Information on psychological impacts, illegal coercion, abuse, and human trafficking required prior to abortion; task force on information resources

F. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.17. Woman’s right to know

J. Construction.

(3) The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.19. Records

H. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.20. Conscience in health care protection; definitions

D. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.21. Reports

F. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.22. Forms

A. The Louisiana Department of Health shall make available to physicians performing abortions in this state the forms for preparing the records and reports required pursuant to the provisions of this Chapter.

B. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.23. Emergency

The provisions of this Chapter shall not apply when a medical emergency compels the immediate performance of an abortion because the continuation of the pregnancy poses an immediate threat and grave risk to the life or permanent physical health of the pregnant woman **serious health risk to the unborn child’s mother**. Within twenty-four hours, the attending physician shall certify to the **medical** emergency need for the abortion and shall enter such certification in the medical record of the pregnant woman.

§1061.24. Experimentation

A. No person shall experiment on an unborn child or on a child born as the result of an abortion, whether the unborn child or child is alive or dead, unless the experimentation is therapeutic to the unborn child or child.

B. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.25. Remains; disposal in accordance with applicable regulations; post-abortion harvesting of fetal organs prohibited; penalties

F. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.26. Instructions to be provided subsequent to abortion

A. Any physician who shall perform or induce an abortion, shall subsequent to the abortion being performed or induced, provide his patient with specific oral and written medical instructions to be followed by that patient in order to insure her safe recovery from the abortion.

B. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.28. Partial birth abortion, civil action against abortionist

A. No licensed physician or any other person shall perform a partial birth

abortion on a female unless the procedure performed is necessary **because of a medical emergency or to save the life of the female mother, because her life is endangered by a physical disorder, physical illness or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.**

* * *

§1061.30. **Standing Suspension or revocation of license; grounds; action to close outpatient abortion clinic**

A. In addition to any violation of this Chapter, the following acts shall subject licensed outpatient abortion facilities to the provisions of R.S. 40:2175.6 regarding license suspension or revocation:

(1) Systematically, intentionally, or deliberately falsifying or destroying patient files or records in violation of R.S. 40:1061.17.

(2) Completing in advance of an appointment with a woman seeking abortion any portion of patient records or forms required by R.S. 40:1061.17 to include patient-specific data or a physician's signature.

B. The provisions of R.S. 40:2175.8 and R.S. 40:2175.9 shall apply to this Chapter.

* * *

§2175.1. Short title

A. This Part may be cited as the "Outpatient Abortion Facility Licensing Law".

B. The provisions of R.S. 40:1061.8 shall apply to this Part.

§2175.2. Purpose

The purpose of this Part is to authorize the Louisiana Department of Health to promulgate and publish rules and regulations to provide for the health, safety, and welfare of women in outpatient abortion facilities and for the safe operation of such facilities. The rules shall be reasonably related to the purpose expressed in this Section and shall not impose a legally significant burden on a woman's freedom to decide whether to terminate her pregnancy, **except when the provisions of R.S. 40:1061.8 apply.**

§2175.3. Definitions

A. Except as provided in Subsection B of this Section, the terms used in this Part, unless a different meaning clearly appears in the context, whether singular or plural, have the same meaning as the definitions provided in R.S. 14:87.8.

B. For purposes of this Part, the following definitions apply:

(1) "Abortion" shall have the meaning set forth in R.S. 40:1061.9.

(2) "Abortion facility professional" or "outpatient abortion facility professional" means an individual who is a physician, surgeon, resident, intern, licensed nurse, nursing aide, emergency medical technician, or a paramedic who diagnoses, examines, or treats a female patient at an outpatient abortion facility.

(3) "Abortion facility staff member" or "outpatient abortion facility staff member" means an individual who is not an abortion facility professional but who is employed by or contracts with an outpatient abortion facility to provide services and who has any contact with patients at the facility.

(4) "First trimester" means the time period up to fourteen weeks after the first day of the last menstrual period.

(5) "Licensee" means the person, partnership, corporation, association, organization, or professional entity on whom rests the ultimate responsibility and authority for the conduct of the outpatient abortion facility.

(6) "Licensing agency" means the Louisiana Department of Health.

(7) "Mandatory reporter to law enforcement" means any abortion facility staff member or any abortion facility professional.

(8) "Outpatient abortion facility" means any outpatient facility, other than a hospital as defined in R.S. 40:2102 or an ambulatory surgical center as defined in R.S. 40:2133, in which any second trimester or five or more first trimester abortions per calendar year are performed.

(9) "Second trimester" means the time period from fourteen to twenty-three weeks after the first day of the last menstrual period.

(10) "Secretary" means the secretary of the Louisiana Department of Health.

§2175.4. License required

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F. The provisions of R.S. 40:1061.8 shall apply to this Part.

* * *

§2175.6. License issuance; application; on-site inspection

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J. The provisions of R.S. 40:1061.8 shall apply to this Part.

§2175.7. Mandatory reports to law enforcement; human trafficking awareness and prevention training

* * *

C. The provisions of R.S. 40:1061.8 shall apply to this Part.

§2175.8. Cease and desist order; due process rights; penalty for violation

A. In addition to the provisions of R.S. 40:2175.6(H), the secretary is empowered to issue a written cease and desist order to prevent or terminate an unsafe condition or an illegal practice or for a violation of this Chapter or Chapter 5 of this Title or a violation of any regulation or order of the department issued pursuant thereto whenever the secretary knows or has reasonable cause to believe that such unsafe condition or illegal practice exists or is likely to occur related to an outpatient abortion facility.

B.(1) An aggrieved party, who is licensed by this Part and who is affected by the secretary's decision or order, may seek an appeal in the same manner as provided for in R.S. 40:2175.6(H).

(2) An aggrieved party, who is not licensed by this Part, may seek a de novo review of the secretary's decision or order by filing a petition for review in the

Nineteenth Judicial District Court for the parish of East Baton Rouge.

C. Any order issued pursuant to this Section shall become effective upon service thereof in person or by registered mail on the violator, and shall remain effective except to the extent modified, stayed, terminated, or set aside by action of the secretary or by Nineteenth Judicial District Court in parish of East Baton Rouge.

D. If no timely appeal is demanded by the aggrieved party pursuant to Subsection B of this Section, the cease and desist order shall become final.

E. If the violator subsequently engages in activities that violate a final cease and desist order, the secretary may seek the enforcement of such order by civil action filed in the Nineteenth Judicial District Court for the parish of East Baton Rouge.

F. Except as provided in R.S. 40:2175.9, any person who violates a cease and desist order of the secretary after it has become final and while such order is in effect shall, upon proof thereof to the satisfaction of the court, be ordered by the court to forfeit and pay to the attorney general a sum not less than five hundred dollars nor more than five thousand dollars per violation.

§2175.9. Procedure for closing outpatient abortion clinics in the event abortion is declared illegal

A. Except as provided in Subsection C of this Section, the secretary shall apply the provisions of R.S. 40:1061.8 and R.S. 40:2175.8 and based upon the final decision of the Supreme Court of the United States in the case of Dobbs v. Jackson Women's Health Organization, Docket No. 19-1392, the secretary shall issue whichever one of the applicable cease and desist orders apply, as follows:

(1) The outpatient abortion facility shall be ordered closed and the facility shall immediately cease and desist performing abortions because the Human Life Protection Act, R.S. 40:1061, or R.S. 14:87.7 has been enacted and the practice of abortion in Louisiana has been prohibited by law.

(2) The outpatient abortion facility shall be ordered to cease and desist performing late term abortions, as is prohibited in R.S. 14:87.8, because the Supreme Court of the United States has provided for the states to prohibit abortions when the gestational age of the unborn child is fifteen weeks or more.

B.(1) Any person who violates a cease and desist order of the secretary after it has become final and while such order is in effect shall, upon proof thereof to the satisfaction of the court, be ordered by the court to forfeit and pay to the attorney general a sum not less than ten thousand dollars nor more than fifty thousand dollars per violation.

(2) Each abortion performed in violation of the cease and desist order issued pursuant to this Section shall constitute a separate violation.

C. The provisions of Subsection A and B of this Section shall not apply if the decision rendered by the United States Supreme Court in the case of Dobbs v. Jackson Women's Health Organization, Docket No. 19-1392, which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), does not restore to the states the authority to prohibit or limit abortion.

Section 4. R.S. 14:32.9(B), 32.9.1(B), 32.10, 32.11(B), 87, 87.3(B), and R.S. 40:1061.1.1(B), 1061.1.2(A), 1061.1.3(B), 1061.9(d) through (11), 1061.12(A), 1061.27, and 1061.28(B) are hereby repealed.

Section 5. If the bill that originated as Senate Bill No. 388 of the 2022 Regular Session of the Legislature is enacted and becomes law, the provisions containing definitions in R.S. 14:87.9(B) in Section 1 of the Act which originated as Senate Bill No. 388 and R.S. 40:962.2(B) of Section 2 of the Act which originated as Senate Bill No. 388 shall be null and void.

Section 6. The Louisiana State Law Institute, pursuant to its statutory authority, is hereby authorized and directed to make the following technical changes:

(A) Redesignate the provisions of R.S. 14:32.9, 32.9.1, 32.11 and relocate the provisions to Subpart A.3. Abortion, of Part V of Title 14 of the Louisiana Revised Statutes of 1950.

(B) Redesignate R.S. 40:1061.8 (Legislative intent) and 1061.9 (Definitions) and relocate those same provisions of law to follow directly after R.S. 40:1061.1.

(C) Redesignate R.S. 40:1061.1 (Pain-capable Unborn Child Protection Act) and 1061.1.1 (Louisiana Unborn Child Protection from Dismemberment Abortion Act) and relocate those same provisions of law to follow directly after the provisions that have been redesignated and relocated pursuant to Subsection (B) of this Section.

(D) Make changes to any internal citation references in this Act to reflect the changes made pursuant to Subsections (B) and (C) of this Section.

(E) Arrange in alphabetical order and renumber the provisions of law, in particular arrange in alphabetical order and renumber those provisions of law to reflect that the provisions of law contained in Section 5 of this Act were repealed in favor of the consolidated "Definitions" provisions of law in R.S. 14:87.1 in Section 1 of this Act and R.S. 40:1061.1 in Section 2 of this Act.

(F) Make changes to any references in the Codes or Louisiana Revised Statutes of 1950 to reflect the citation changes contained in this Act.

(G) If the provisions of Section 5 of this Act are in effect because the bill that originated as Senate Bill No. 388 of the 2022 Regular Session of the Legislature is enacted and becomes law, arrange in alphabetical order and renumber the Subsections of R.S. 14:87.9 and R.S. 40:962.2.

Section 7. The provisions of Section 1 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

ACT No. 546

SENATE BILL NO. 354
BY SENATOR CATHEY
AN ACT

To enact Chapter 17-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1611, and to enact Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3051 through 3053, relative to the sale and transport of propane and other fuels; to provide for the sale, transportation, and acceptance of propane and other fuels to individuals in affected areas during a declared natural disaster; to provide relative to consumer access to certain energy types; to prohibit the adoption of local ordinances limiting access to certain energy types; to provide for definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 17-A of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1611, and Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3051 through 3053, are hereby enacted to read as follows:

CHAPTER 17-A. SALE, TRANSPORTATION, AND ACCEPTANCE OF FUEL
§1611. Sale, transportation, and acceptance of fuel following a natural disaster

A. Notwithstanding any other provision of law to the contrary, following a disaster or emergency declared in accordance with the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 et seq., and upon written authorization from the secretary of the Department of Transportation and Development, the diversion, sale, transport, delivery, or acceptance of gasoline, diesel fuel, liquified petroleum gas, motor fuel, special fuel, gasohol, liquified natural gas, and other types of fuel, across jurisdictional boundaries within this state shall not be restricted or prohibited when needed for disaster recovery, including but not limited to supplying fuel to generators, motor vehicles, homes and other resources to provide electricity, heat, light, meals, and other necessities to persons in affected areas.

B. This provision shall not be construed as waiving any mandatory federal law, nor as creating any exception thereto, to the extent that any such law may be applicable to the transport of commodities described in this Section.

* * *

CHAPTER 49. LOUISIANA CONSUMER FUEL CHOICE ACT

§3051. Short title

This Chapter shall be known and may be cited as the "Louisiana Consumer Fuel Choice Act".

§3052. Energy type; defined

For the purposes of this Chapter, "energy type" includes aviation fuel, biofuel, compressed natural gas, diesel, electricity to be utilized for the charging of electric vehicles, gasoline, gas distillates, hydrogen, liquified petroleum gas, and renewable diesel.

§3053. Consumer access; prohibitions

A. No local governing authority shall adopt an ordinance, rule, or law that limits consumer access to an energy type or that results in the prohibition of a wholesaler, retailer, energy producer, or the related infrastructure necessary to provide consumer access to a specific energy type within the jurisdiction of the local governing authority.

B. Nothing in this Chapter shall be construed to restrict, impair, or diminish the regulatory authority of the Louisiana Energy and Power Authority, a municipally owned electric system, the Louisiana Public Service Commission in accordance with Article IV, Section 21 of the Constitution of Louisiana, or any governing authority of a political subdivision that regulates a public utility in accordance with Article IV, Section 21 of the Constitution of Louisiana.

Section 2. It is the intent of the legislature that the provisions of this Act shall apply both retroactively and prospectively. It is further the intent of the legislature that any ordinance, rule, or law by local governing authority described in Section 1 of this Act shall be void ab initio.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 547

SENATE BILL NO. 367
BY SENATOR HENRY
AN ACT

To amend and reenact the introductory paragraph of R.S. 37:3392, 3392(8) and (12) through (14), 3393(A) through (E), (G), the introductory paragraph of 3393(I), 3393(J) through (L), 3394(B)(1)(b) and (c) and (B)(2), 3395(A)(1), (2),

(4), (C) and (D), 3396(A), 3397, 3398(A), 3405, 3408(A), (B), the introductory paragraph of 3408(D), and 3408(F), the introductory paragraph of 3409(A), 3409(A)(6), (B)(2) and (3), (C)(2), (D), the introductory paragraph of 3409(E) and 3409(F), 3410, and 3411, to enact R.S. 37:3392 (15) through (27) and 3399, and to repeal R.S. 37:3392(11) and 3397.1, relative to the Louisiana Real Estate Appraisers Board; to provide for definitions; to provide relative to real estate appraisers; to provide relative to real estate appraisers board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 37:3392, 3392(8) and (12) through (14), 3393(A) through (E), (G), the introductory paragraph of 3393(I), 3393(J) through (L), 3394(B)(1)(b) and (c) and (B)(2), 3395(A)(1), (2), (4), (C), and (D), 3396(A), 3397, 3398(A), 3405, 3408(A), (B), the introductory paragraph of 3408(D), and 3408(F), the introductory paragraph of 3409(A), 3409(A)(6), (B)(2) and (3), (C)(2), (D), the introductory paragraph of 3409(E), and 3409(F), 3410, and 3411, are hereby amended and reenacted and R.S. 37:3392 (15) through (27) and 3399 are hereby enacted to read as follows:

§3392. Definitions

As used in this Chapter, the following words have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

* * *

(8) "General certified real estate **Certified general** appraiser" means a **any** person who holds a current, valid license issued to him **licensed** by the board for appraisal of to appraise all types of real estate regardless of complexity or transaction value.

* * *

(12) "Real estate appraiser trainee" "**Trainee appraiser**" means any person who has been issued a license **registered** by the board **and authorized** to appraise properties under the supervision of a licensed general real estate appraiser or residential real estate appraiser.

(13) "Real property" or "**real estate**" means one or more defined interests in a parcel of real estate, whether an unencumbered fee or a lesser estate **immovable property, as defined by Civil Code Article 462 et seq.**

(14)(a) "Residential certified real estate **Certified residential** appraiser" means any person who holds a current, valid license issued **licensed** by the board to appraise **the following**: one to four residential units, without regard to transaction value or complexity, and perform appraisals of other types of real estate having a transaction value of two hundred fifty thousand dollars or less. This includes the appraisal of vacant or unimproved land that is utilized for one to four family residential units.

(i) **One to four residential units without regard to value or complexity.**

(ii) **All other real or immovable property, which is the subject of an appraisal involving or having a market value of five hundred thousand dollars or less.**

(iii) **The authority of a "certified residential appraiser" includes but is not limited to the authority to appraise vacant or unimproved land utilized for the purposes of one to four family residential units or for which the highest and best use is for one to four family residential units; however, such authority shall not include the authority to appraise any subdivision for which a development analysis or development appraisal is necessary.**

(15) "**Licensed residential appraiser**" means any person licensed by the board whose authority to appraise real property is limited to the appraisal of noncomplex one to four residential units having a transaction value of less than one million dollars and of complex one to four residential units having a transaction value of less than four hundred thousand dollars in accordance with the Real Property Appraiser Qualification Criteria. For the purposes of this Paragraph, "transaction value" means market value for nonfederally related transaction appraisals.

(16) "**AQB**" means the Appraiser Qualifications Board of TAF created in accordance with Title XI of FIRREA. The AQB develops, interprets, and amends the Real Property Appraiser Qualification Criteria.

(17) "**ASB**" means the Appraisal Standards Board of TAF created in accordance with Title XI of FIRREA. The ASB develops, promulgates, interprets, and amends USPAP.

(18) "**ASC**" means the Appraisal Subcommittee created in accordance with Title XI of FIRREA and organized and subject to the Federal Financial Institutions Examination Council, or its successor, according to the Financial Institutions Regulatory and Interest Rate Control Act of 1978.

(19) "**FIRREA**" means the Financial Institution Reform, Recovery and Enforcement Act of 1989, as enacted under federal law, and specifically includes but is not limited to Title XI, requiring real estate appraisals used in connection with federally related transactions to comply with uniform standards and to be prepared by credentialed real property appraisers.

(20) "**Market value**" means a value stated as an opinion, which presumes the transfer of real property as of a certain date and subject to specific conditions set forth in the value definition identified by an appraiser as applicable to an appraisal.

(21) "**PAREA**" means or refers to any Practical Applications of Real Estate Appraisal training program created or implemented in accordance with the Real Property Appraiser Qualification Criteria developed and approved by the AQB, to provide an alternate pathway for applicants to obtain licensure as a licensed residential appraiser or as a certified residential appraiser without training as a trainee appraiser, subject to the direct control and supervision of a supervisory appraiser.

(22) "**Real Property Appraiser Qualification Criteria**" means the qualifying criteria regarding the minimum education, experience, and examination requirements for real estate appraisers, as established by the AQB.

(23) "Supervisory appraiser" means a certified residential appraiser or certified general appraiser registered by the board to supervise one or more trainee appraisers and who satisfies the applicable minimum qualifications required by the the Real Property Appraiser Qualification Criteria including but not limited to the following:

(a) The supervisory appraiser shall have been licensed and in good standing with any competent appraisal licensing jurisdiction for at least three years.

(b) The supervisory appraiser shall not have been subject to any disciplinary action within any jurisdiction, that affected the appraiser's legal eligibility to engage in the appraisal practice, within the last three years.

(c) The supervisory appraiser shall not be registered at any one time to supervise more than three trainee appraisers.

(d) Prior to his supervision of any trainee appraiser, the supervisory appraiser shall register on a form and in a manner prescribed by the board for each trainee appraiser supervised.

(24) "TAF" means The Appraisal Foundation created in accordance with Title XI of FIRREA.

(25) "Transaction value" means the following in accordance with Title XI of FIRREA:

(a) For loans or other extensions of credit, the amount of the loan or extension of credit.

(b) For sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property interest involved.

(c) For the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.

(26) "USPAP" means the Uniform Standards of Professional Appraisal Practice, which establishes the minimum requirements applicable to appraisers for the purpose of promoting and maintaining public trust in the appraisal practice, as implemented and periodically amended by the ASB.

(27) "Complex one to four unit residential property appraisal" means an appraisal in which the property to be appraised, the form of ownership, or the market conditions are atypical.

§3393. License required; penalty for unlicensed real estate appraiser activity

A. No person, other than a state licensed real estate appraiser registered or licensed by the board, shall assume or use that title or any title, designation, or abbreviation that may create the impression of being registered or licensed as a real estate appraiser by in this state.

B. No registered or licensed real estate appraiser shall assume or use any title, designation, or abbreviation that may create the impression of being registered or licensed in a class other than that for which his actual registration or license has been issued.

C. It shall be unlawful for any individual, for a fee or other valuable consideration, or with the intention or expectation of receiving or collecting a fee or valuable consideration from another, to do any of the following unless the individual is registered or licensed under in accordance with the provisions of this Chapter:

(1) Be employed to perform or perform an appraisal as defined in this Chapter where the subject property of the assignment lies within the borders of the state of Louisiana.

(2) Present himself, or allow himself to be presented, as being able to perform an appraisal for which a registration or license is required under in accordance with the provisions of this Chapter.

D. All real estate appraiser registrations or licenses issued under the provisions of this Chapter shall be issued in the individual name of the applicant and shall not be issued to a partnership, association, corporation, firm, or group. Nothing shall preclude a licensed real property registered or licensed appraiser from performing appraisals for or on behalf of a partnership, association, corporation, firm, or group.

E. Nothing in this Chapter shall preclude a licensed real estate broker or salesperson from performing a broker price opinion/comparative market analysis in the ordinary course of the practice of real estate, provided that the broker or salesperson does not unlawfully represent himself as being a state licensed real estate a registered or licensed appraiser.

G. It shall be unlawful for any individual, person, partnership, association, or corporation to perform any type of review or analysis of a real property appraisal, unless that person is registered or licensed to perform real property appraisals.

I. In addition to any other civil remedy or civil penalty provided in this Chapter, the board may issue a subpoena to any person based on the probable cause that he has engaged in real estate appraiser activity without a registration or license. Subpoenas issued by the board shall:

J. In accordance with the provisions of this Chapter and the Administrative Procedure Act, the board may impose a civil penalty not to exceed five thousand dollars and costs and attorney fees upon any person who is found to have engaged in real estate appraiser appraisal activity without a registration or license issued by the board.

K. An unlicensed person who engages in or offers to engage in, or performs or offers to perform, any of the practices, acts, or operations set forth in R.S. 37:3392 and this Section shall be sufficient evidence to raise a presumption of fact or to establish the fact that he has illegally engaged in or performed real estate appraiser activity.

L.K. A person engaged in real estate appraiser appraisal activity without a registration or license issued by the board shall not have the right to receive any compensation for services so rendered in this state. In addition to any other penalties imposed under authorized by this Chapter, the board may require any person engaged in real estate appraiser appraisal activity without a registration or license to return any fees collected for such activity.

§3394. Louisiana Real Estate Appraisers Board

B.(1)

(a)

(b) One member shall have been engaged in the business of appraisal management for at least four years and shall be an employee or representative of a Louisiana licensed appraisal management company. Additionally, this member shall be a citizen and qualified elector of Louisiana and licensed as a in Louisiana certified real estate as either a certified residential appraiser or certified general appraiser immediately preceding the appointment to the board.

(c) The remainder Each of the remaining members shall have been domiciled in Louisiana and licensed as certified real estate appraisers either a certified residential appraiser or certified general appraiser for not less than five consecutive years immediately preceding the appointment.

(2) At least four of the ten members shall be certified general appraisers and at least two of the ten members shall be certified residential appraisers. All appraiser members shall be state certified.

§3395. Powers, duties

A. The board shall have the following autonomous powers and duties:

(1) To regulate the issuance of real estate appraiser and trainee registrations and licenses.

(2) To establish administrative procedures for processing applications and issuing registrations and licenses to real estate appraisers and trainees.

(4) To require any satisfactory proof it may desire in reference to the honesty, truthfulness, reputation, knowledge, and experience of any applicant for a real estate appraiser registration or license prior to the issuance of any license.

C. The board shall have authority to require any real estate appraiser registrant or licensee to maintain records, as specified in this Chapter, and to inspect and subpoena such records.

D. The board shall have the authority to subpoena any real estate appraiser registrant, licensee, or witness for the purpose of holding any hearing or in furtherance of an investigation. Failure of a licensee to comply with a subpoena duces tecum shall be punishable by the board in accordance with the provisions of R.S. 37:3409.

§3396. Applications

A. Applications for examination, experience review, registration, licensure, and renewal certification shall be made in writing to the board on forms provided on a form prescribed and in a manner required by the board.

§3397. License and registration classifications; criteria

A.(1) There shall be are three classes of licenses for real estate appraisers:

(a) Licensed residential appraiser.

(b) Certified residential appraiser.

(c) Certified general appraiser.

(2) Such The license classes enumerated in Paragraph (1) of this Subsection shall conform in all respects with the Financial Institutions Reform, Recovery and Enforcement Act of 1989, P.L. 101-73, and any subsequent amendments and regulations issued pursuant thereto.

(2) The application for examination, experience review, and renewal certification shall specify the license classification for which the applicant is applying.

B. There are two classes of registrations for real estate appraisers:

(1)(a) Trainee appraiser. Applicants for a real estate appraiser trainee license shall be subject to training and direct supervision by a certified appraiser who meets all of the following qualifications:

(i) Has been licensed as a certified real estate appraiser in Louisiana for at least three years prior to becoming a supervising appraiser.

(ii) Is in good standing as a certified residential or certified general real estate appraiser in Louisiana.

(b) Both the trainee applicant and the supervising appraiser shall complete a course that complies, at minimum, with the specifications for course content established by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. The course shall be oriented toward the requirements and responsibilities of supervising appraisers and expectations for trainee appraisers. The course shall be completed by the trainee appraiser prior to obtaining a trainee appraiser license and by the supervising appraiser prior to supervising a trainee appraiser. The supervising appraiser shall not have been subject to any disciplinary action in any jurisdiction within the last three years that affects the supervisor's legal eligibility to engage in appraiser practice. The appraiser trainee is permitted to have more than one supervising appraiser. The scope of work for the appraiser trainee is limited to the appraisal of those properties that the supervising appraiser is licensed to appraise.

(2) ~~Supervisory appraiser.~~ There are no additional examination or experience requirements other than those listed in this Subsection for the real estate appraiser trainee license.

~~(3) C.(1) An A supervisory appraiser and a trainee appraiser shall each maintain an appraisal experience log shall be maintained jointly by the supervising appraiser and the trainee appraiser. It is the responsibility of both the supervisory appraiser and the trainee appraiser and shall be independently obligated to ensure the appraisal experience log is accurate, current, and complies with the requirements of the trainee appraiser's credentialing jurisdiction the provisions of this Chapter. At a minimum, the appraisal log shall include the following:~~

- (a) Type of property.
 - (b) Date of report.
 - (c) Address of appraised property.
 - (d) Description of work performed by the trainee appraiser and scope of the review and supervision of the supervisory appraiser.
 - (e) Number of actual work hours by the trainee appraiser on the assignment.
 - (f) The signature and state certification number of the supervisory appraiser.
- Separate appraisal logs shall be maintained for each supervisory appraiser if applicable.

~~(2) Prior to applying for registration with the board, a trainee appraiser or supervisory appraiser shall meet the minimum qualifications required under this Chapter and the Real Property Appraiser Qualification Criteria including but not limited to satisfactory completion or submission of the following:~~

~~(a) A course that complies, at a minimum, with the specifications of course content established by the AQB, including submission of an official course completion certificate to the board. The course shall be oriented toward the requirements and responsibilities of supervisory and trainee appraisers.~~

~~(b) The registration form that is prescribed by the board.~~

~~(4) As a prerequisite to license renewal, all appraiser trainees shall be required to obtain the equivalent of fourteen hours of continuing education per calendar year.~~

~~(5)(3) The appraiser trainee appraiser shall be entitled to obtain copies of appraisal reports that he prepared in full or in part by the trainee. The supervising supervisory appraiser shall keep copies of the trainee appraisal reports prepared by the trainee appraiser for a period of at least five years or at least two years after final disposition of any judicial proceeding in which testimony is given, whichever period expires last.~~

* * *

§3398. Examination

A. A license as a real estate appraiser shall not be issued in any class, other than real estate appraiser trainee unless the applicant has passed a qualifying examination approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation for such license.

* * *

§3399. Practical Applications of Real Estate Appraisal (PAREA); legislative intent; licensure

~~A.(1) The legislature hereby recognizes the present shortage and declining number of registered and licensed appraisers in Louisiana and hereby declares its intent to reduce any unnecessary barriers to licensure as a real property appraiser, including but not limited to the practical barriers caused by the related shortage of supervisory appraisers in the state.~~

~~(2) Further, the legislature recognizes that the AQB has created and authorized implementation of Practical Applications of Real Estate Appraisal (PAREA) training programs, which shall utilize simulated experience training to provide an alternative path to licensure as a real property appraiser without the necessity of obtaining experience or supervision directly from a supervisory appraiser.~~

~~B.(1) Accordingly, nothing in this Chapter shall be construed to prohibit an applicant from submitting an official PAREA program completion certificate to evidence satisfactory completion of all experience necessary for licensure as either a licensed residential appraiser or as a certified residential appraiser in accordance with the qualifications required by the Real Property Appraiser Qualification Criteria.~~

~~(2) An applicant who has fully completed an authorized PAREA program shall apply for licensure either as a licensed residential appraiser or as a certified residential appraiser on a form prescribed by the board and obtain board approval of the application prior to conducting appraisal activity in this state.~~

* * *

§3405. Principal place of business for appraiser; contact information

A. Each registered or licensed real estate appraiser shall advise notify the board of any change in the information required for registration, licensure, or renewal including but not limited to the following:

(1) the The address of his or her principal place of business and all other addresses at which he is currently engaged in the business of preparing real property appraisal reports.

(2) The address of his domicile.

(3) Primary telephone number.

(4) Primary electronic mail address.

B. Each registered or licensed appraiser required by Subsection A of this Section shall report any changes in the address or telephone number of his business or residence to notify the board shall provide such notice, in writing within ten days of the change.

* * *

§3408. Continuing education requirements

A. As a prerequisite to renewal of a real estate appraiser registration or

license, all registrants and licensees shall present evidence satisfactory to the board of having met the continuing education requirements set forth in this Chapter.

~~B.(1) The basic continuing education requirements for Prior to renewal of a registration or a license, regardless of classification, the renewal applicant shall obtain shall be the completion of not less than twenty-eight hours of continuing education credit, or its equivalent, in courses that have received the approval of approved by the board. As part of this requirement, the applicant shall complete a minimum of seven classroom hours of instruction covering the Uniform Standards of Professional Appraisal Practice every renewal period.~~

~~(2) All appraisers regardless of registration or license class shall obtain a minimum of seven continuing education credit hours regarding the Uniform Standards of Professional Appraisal Practice (USPAP) each renewal period, which shall be credited toward the total continuing education required by Paragraph (1) of this Subsection.~~

* * *

D. The board shall adopt regulations for implementation of the provisions of this Section to provide registrants and licensees with current knowledge of real property appraisal theories, practices, and techniques. Such regulations shall prescribe the following:

* * *

F. No amendment or repeal of a regulation adopted by the board pursuant to this Section shall operate to deprive a registered or licensed real estate appraiser of credit toward renewal of certification for any course of instruction completed by the applicant prior to the amendment or repeal of the regulation, if the course would have qualified for continuing education credit under the regulation as it existed prior to the repeal or amendment.

§3409. Disciplinary proceedings

A. The board may censure a registered or licensed real estate appraiser, conditionally or unconditionally suspend or revoke any registration or license issued under in accordance with the provisions of this Chapter, levy fines or impose civil penalties not to exceed five thousand dollars, or impose continuing education requirements on registrants and licensees if, in the opinion of the board, a registrant or licensee is performing, is attempting to perform, has performed, or has attempted to perform any of the following acts:

* * *

(6) Procuring a registration or license for himself or anyone else by fraud, misrepresentation, or deceit.

* * *

B.(1)

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(2) Before censuring any registrant or licensee, or suspending or revoking any license, the board shall notify the registrant or licensee in writing of any charges made at least twenty days prior to the date set for the hearing and shall afford him an opportunity to be heard in person or by counsel.

(3) The written notice shall be satisfied by personal service on the respondent, or by sending the notice by certified mail to the registrant's or licensee's address on file with the board, or by hand delivery from board personnel.

* * *

C.(1)

* * *

(2) The board may make findings of fact and shall deliver or mail such findings to the registrant or licensee charged with an offense under this Chapter. Any finding of fact by the board pursuant to this Subsection shall be conclusive.

* * *

D. The board may also suspend or revoke the registration or license of a real estate appraiser based upon a final civil judgment against the appraiser on grounds of fraud, misrepresentation, or deceit in the making of an appraisal of real property. In a disciplinary proceeding based upon such judgment, the registered or licensed real estate appraiser shall be afforded notice and the opportunity to present matters in mitigation and extenuation but shall not collaterally attack the civil judgment.

E. It shall be the duty of each registered or licensed real estate appraiser to notify the board within ten days by registered or certified mail or by hand delivery of the following actions:

* * *

F. A registered or licensed real estate appraiser shall not participate in the preparation of federally related real estate appraisals during any period in which his registration or license has been suspended by the board pursuant to adjudicatory proceedings.

§3410. Standards for the development and communication of real estate appraisals

A.(1) A registered or licensed real estate appraiser shall comply with generally accepted standards of professional practice in the development and communication of appraisals of real estate located in this state and with generally accepted ethical rules of conduct as contained in the "Uniform Standards of Professional Appraisal Practice" (USPAP), or its successor, as approved and periodically amended by the Appraisal Standards Board of the Appraisal Foundation or its successor.

(2) Nothing in this Chapter shall prohibit a registered or licensed real estate appraiser from performing an evaluation of real property for a federally insured depository institution if the evaluation is permitted by either federal

law, regulation, or the guidelines for evaluations established by the federal financial institutions regulatory agency of the depository institution, or a mortgage servicer approved to service any federally related mortgage loans.

B. The **registered or** licensed real estate appraiser shall include within the body of the appraisal report the amount of the appraiser's fee for appraisal services.

~~§3411. Documents to be retained~~ **Recordkeeping requirements**

A **registered or** licensed real estate appraiser shall retain for five years originals or true copies of contracts engaging the appraiser's services for real property appraisal work, appraisal reports, and supporting data assembled and formulated by the appraiser in preparing reports. The period for retention of the records applicable to each engagement of the services of the appraiser shall run from the date of the submission of the appraisal report to the client. These records shall be made available by the appraiser for inspection and copying by the board on reasonable notice to the appraiser. When litigation is contemplated at any time, reports and records shall be retained for two years from final disposition.

Section 2. R.S. 37:3392(11) and 3397.1 are repealed in their entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 548

SENATE BILL NO. 388

BY SENATORS HEWITT, ABRAHAM, ALLAIN, BARROW, CATHEY,
CLOUD, CONNICK, CORTEZ, FESI, JACKSON, MCMATH, MILLIGAN,
FRED MILLS, ROBERT MILLS, MORRIS, PEACOCK, POPE,
REESE, STINE, TALBOT, TARVER, WARD AND WOMACK AND
REPRESENTATIVES CREWS, EDMONDS, EDMONSTON, FIRMENT,
GAROFALO, HORTON, MOORE, CHARLES OWEN, SCHLEGEL,
SEABAUGH AND THOMPSON

AN ACT

To amend and reenact R.S. 51:1402(10) and R.S. 40:1061(A), to enact R.S. 14:87.9 and R.S. 40:962.2, to repeal R.S. 14:88, and to amend and reenact certain provisions if and as enacted by the Act which originated as Senate Bill No. 104 of this 2022 Regular Session of the Legislature, relative to abortion-inducing drugs and abortion; to define criminal abortion; to prohibit criminal abortion by means of the use of an abortion-inducing drug without the prescribing physician being physically present during the administration of the drug; to provide criminal penalties; to provide for defenses; to prohibit the selling, prescribing, distributing, dispensing, or delivering of certain abortion-inducing drugs under certain circumstances; to define abortion-inducing drugs; to provide for exceptions; to provide for the promulgation of rules; to provide for unfair trade practices; to provide for the interpretation of multiple abortion statutes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:87.9 is hereby enacted to read as follows:

§87.9. Criminal abortion by means of abortion-inducing drugs

A. Criminal abortion by means of an abortion-inducing drug is committed when a person knowingly causes an abortion to occur by means of delivering, dispensing, distributing, or providing a pregnant woman with an abortion-inducing drug.

B.(1) Except as provided in Paragraph (2) of this Subsection, the terms used in this Section, unless a different meaning clearly appears in the context, whether singular or plural, have the same meaning as the definitions provided in R.S. 14:32.9.

(2) For purposes of this Section, the following definitions apply:

(a)(i) "Abortion-inducing drug" means any drug or chemical, or any combination of drugs or chemicals, or any other substance when used with the intent to cause an abortion, including but not limited to RU-486, the Mifeprex regimen, misoprostol (Cytotec), or methotrexate.

(ii) Abortion-inducing drug shall not mean a contraceptive, an emergency contraceptive, or the use of methotrexate to treat an ectopic pregnancy.

(b) "Contraceptive" means any device, measure, drug, chemical, or product, including single-ingredient levonorgestrel, that has been approved by the United States Food and Drug Administration for the purpose of preventing pregnancy and is intended to be administered prior to the time when a clinically diagnosable pregnancy can be determined, provided that the contraceptive is sold, prescribed, or administered in accordance with manufacturer's instructions.

(c) "Emergency contraceptive" means a drug, chemical, or product, including single-ingredient levonorgestrel, that has been approved by the United States Food and Drug Administration designed or intended to be taken after sexual intercourse but prior to the time when a clinically diagnosable pregnancy can be determined, provided that the emergency contraceptive is sold, prescribed, or administered in accordance with manufacturer's instructions.

C.(1) Any person who knowingly performs an abortion by means of an abortion-inducing drug in violation of this Section shall be imprisoned at hard labor for not less than one nor more than five years, fined not less than five thousand nor more than fifty thousand dollars, or both.

(2) Any person who knowingly performs an abortion by means of abortion-inducing drug in violation of this Section that results in the death or serious bodily injury of the pregnant woman shall be imprisoned at hard labor for not less than five nor more than ten years, fined not less than ten thousand nor more than seventy-five thousand dollars, or both.

(3) Any person who knowingly performs or induces an abortion that results in the death or serious bodily injury of a pregnant woman under the age of eighteen in violation of this Section shall be imprisoned at hard labor for not less than fifteen nor more than fifty years, fined not less than fifteen thousand nor more than one hundred thousand dollars, or both.

D. Statutory Construction. None of the following shall be construed to create the crime of criminal abortion by means of an abortion-inducing drug:

(1) Any action taken when a physician or other licensed medical professional is acting in the course of administering lawful medical care.

(2) Any act taken or omission by a pregnant woman with regard to her own unborn child.

(3) Possessing for her own consumption or consuming an abortion-inducing drug by a pregnant woman in violation of this Section.

(4) Lawfully prescribing, dispensing, or distributing a drug, medicine, or other substance for a bona fide medical reason that is not intended to cause an abortion in violation of this Section.

(5) Any act by a licensed pharmacist or pharmacy related to filling a prescription for a drug, medicine, or other substance prescribed for a bona fide medical reason shall not subject the pharmacist or the pharmacy to the criminal consequences of this Section. A diagnosis or a diagnosis code shall be written on the prescription by the prescriber indicating that the drug, medicine, or other substance is intended for a purpose other than to cause an abortion in violation of this Section.

(6)(a) The act of administering an abortion-inducing drug when the drug is administered by a physician licensed by the state of Louisiana who administers the abortion-inducing drug in person to the pregnant woman.

(b) The provisions of Subparagraph (a) of this Paragraph shall not be a defense against prosecution under any other provision of law that makes the abortion unlawful, whether the other provision of law is in effect on the effective date of this Act or becomes unlawful at a later date.

(7) Any act by a licensed pharmacist or pharmacy related to filling a prescription for a drug, medicine, or other substance prescribed for a bona fide medical reason shall not subject the pharmacist or the pharmacy to the criminal consequences of this Section. A diagnosis or a diagnosis code shall be written on the prescription by the prescriber indicating that the drug, medicine, or other substance is intended for a purpose other than to cause an abortion in violation of this Section.

Section 2. R.S. 40:1061(A) is hereby amended and reenacted and R.S. 40:962.2 is hereby enacted to read as follows:

§962.2. Abortion-inducing drugs; restrictions of sales; exceptions; penalties

A. Except as provided in R.S. 40:1061.11, no abortion-inducing drug may be sold, prescribed, dispensed, distributed, or delivered in this state in violation of this Section.

B. As used in this Section, "abortion-inducing drug" shall have the same meaning and exclusions as provided in R.S. 14:87.9.

C. Notwithstanding any other provision of law to the contrary, delivery to a person in Louisiana by mail-order, courier, or as a result of a sale made via the internet in violation of this Section is strictly prohibited.

D.(1) The Louisiana Department of Health may promulgate rules pursuant to the Administrative Procedure Act to provide for exemptions from this Section for products using an abortion-inducing drug which are distributed for other purposes that do not include causing an abortion.

(2) A physician or other healthcare provider who is licensed to prescribe medications or drugs that are subject to the provisions of Paragraph (1) of this Subsection shall write a diagnosis or a diagnosis code on the prescription that clearly indicates that the prescription is not intended to cause an abortion in violation of this Section.

E.(1) Whoever violates any provision of this Section shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

(2) Each instance of a sale or distribution of an abortion-inducing drug shall be considered a separate offense for purposes of the penalties provided in Paragraph (1) of this Subsection.

F. Possessing for her own consumption or consuming an abortion-inducing drug by a pregnant woman in violation of this Section shall not subject the pregnant woman to the criminal consequences.

G. Any act by a licensed pharmacist or pharmacy related to filling a prescription for a drug, medicine, or other substance prescribed for a bona fide medical reason shall not subject the pharmacist or the pharmacy to the criminal consequences of this Section. A diagnosis or a diagnosis code shall be written on the prescription by the prescriber indicating that the drug, medicine, or other substance is intended for a purpose other than to cause an abortion in violation of this Section.

* * *

§1061. Abortion; prohibition

A. The provisions of this Act shall become effective immediately upon, and to the extent permitted, by the occurrence of any of the following circumstances:

(1) Any decision of the ~~United States~~ Supreme Court **of the United States** which **reverses overrules**, in whole or in part, *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby, restoring to the state of Louisiana the authority to prohibit **or limit** abortion.

(2) Adoption of an amendment to the United States Constitution which, in whole or in part, restores to the state of Louisiana the authority to prohibit **or limit** abortion.

(3) A decision of the Supreme Court of the United States in the case of *Dobbs v. Jackson Women's Health Organization*, Docket No. 19-1392, which overrules, in whole or in part, *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion.

* * *

Section 3. R.S. 51:1402(10) is hereby amended and reenacted to read as follows:

§1402. Definitions

As used in this Chapter, the following words and phrases shall have the meanings hereinafter ascribed to them:

* * *

(10)(a) "Trade" or "commerce" means the advertising, offering for sale, sale, or distribution of any services and any property, corporeal or incorporeal, immovable or movable, and any other article, commodity, or thing of value wherever situated, and includes any trade or commerce directly or indirectly affecting the people of the state.

(b) "Trade" or "commerce" shall include the advertising, offering for sale, sale, or distribution of an abortion-inducing drug in violation of R.S. 40:962.2.

Section 4. R.S. 14:88 is hereby repealed.

Section 5. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the Act which can be given effect without the invalid provision, item, or application and to this end the provisions of this Act are hereby declared severable in accordance with R.S. 24:175.

Section 6. If the bill that originated as Senate Bill No. 342 of this 2022 Regular Session of the legislature is enacted and becomes law, the provisions containing definitions in R.S. 14:87.9(B) in Section 1 of this Act and R.S. 40:962.2(B) in Section 2 of this Act shall be null and void.

Section 7. If Senate Bill No.104 of this 2022 Regular Session of the legislature is enacted, R.S. 40:2175.8 as enacted in Section 1 of Senate Bill No.104 is hereby amended and reenacted to read as follows:

§2175.8. Patient's right to unimpeded, private, and uncensored telephone communications; condition of facility licensing; penalties

* * *

C.(1) The provisions of this Section shall not be construed to provide a right to an abortion and are superseded by other provisions of law that restrict or prohibit abortion.

(2) The provisions of this Section are intended to regulate the practice of abortion to provide for the health, safety, and welfare of women in outpatient abortion facilities until such time and to the extent that the state of Louisiana no longer regulates outpatient abortion facilities.

Section 8. It is the intention of the legislature that all of the following apply to this Act:

(A) This Act shall not be construed to repeal any other provision of law that restricts or prohibits abortion.

(B) The legislature reaffirms its long-standing public policy that every unborn child is a human being and has the inalienable right to life.

(C) The provisions of this Act are enacted to provide for the health, safety, and welfare of women until such time and to the extent that the state of Louisiana no longer regulates the practice of abortion or because *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973) and its progeny have been overturned or because an amendment to the Constitution of the United States of America has been enacted which restores to the state of Louisiana the authority to restrict abortion and prohibit abortions.

(D) A decision of the Supreme Court in the case of *Dobbs v. Jackson Women's Health Organization*, Docket No. 19-1392, which overrules, in whole or in part, *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion shall apply to the provisions of R.S. 40:1061 or Act No. 468 of the 2018 Regular Session or both, or whichever one is applicable.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 549

SENATE BILL NO. 434

BY SENATORS FIELDS, ABRAHAM, BERNARD, BOUIE, CARTER,
CATHEY, CONNICK, CORTEZ, FESI, FOIL, HARRIS, JACKSON,
LAMBERT, LUNEAU, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS,
PEACOCK, POPE, PRICE, SMITH, STINE, TALBOT, WARD AND
WOMACK AND REPRESENTATIVES ADAMS, AMEDEE, BACALA,
BOYD, BRYANT, CARRIER, ROBBY CARTER, CORMIER, DEVILLIER,
DUPLESSIS, EDMONSTON, FIRMENT, FREIBERG, GAINES,
GAROFALO, HARRIS, HUGHES, ILLG, JEFFERSON, JENKINS, MIKE
JOHNSON, TRAVIS JOHNSON, JORDAN, LAFLEUR, LARVADAIN,

LYONS, MARCELLE, MARINO, MCFARLAND, MIGUEZ, DUSTIN
MILLER, NEWELL, PHELPS, PIERRE, STAGNI, THOMAS, THOMPSON,
WHITE AND WILLARD

AN ACT

To amend and reenact R.S. 11:710(A)(3), (F)(1), and (G) and the introductory paragraph of R.S. 11:710.1(A) and to enact R.S. 11:710(H), 710.1(F), and 710.2, relative to critical teacher shortages; to provide for employment of retirees of the Teachers' Retirement System of Louisiana; to allow a retiree to return to work without suspension or reduction of benefit in certain circumstances; to provide for application; to provide for determinations and reporting; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:710(A)(3), (F)(1), and (G) and the introductory paragraph of R.S. 11:710.1(A) are hereby amended and reenacted and R.S. 11:710(H), 710.1(F), and 710.2 are hereby enacted to read as follows:

§710. Employment of retirees **who retired on or before June 30, 2020**

A. As used in this Section, the following words and phrases shall have the following meanings, unless a different meaning is clearly required by the context:

* * *

(3) "Critical shortage" means any situation in which the employer has advertised and posted ~~notice of positions to be filled~~ **a solicitation for certified teachers, has listed on the specified websites the positions that are unfilled or filled by reemployed retirees**, and has received fewer than three certified applicants as provided in Subsection F of this Section.

* * *

F.(1)(a) A retiree who is employed in a critical shortage position shall not receive a benefit during the period of his reemployment as provided in this Section unless and until the Board of Elementary and Secondary Education and the board of trustees of this system have received certification that a critical shortage exists. Prior to making such certification for any full-time critical shortage position, the employer shall ~~cause to be advertised in the official journal of the employer's governing authority, on two separate occasions, notice that a shortage of certified teachers exists and the positions sought to be filled. Additionally, the employer shall cause notice to be posted at the career development office, or similar such entity, of every post-secondary institution within a one hundred twenty-mile radius of the employer's governing authority satisfy the requirements of Subparagraph (b) of this Paragraph.~~ If a certified applicant who is not a retiree applies for an advertised position, such person shall be hired before any certified retiree is employed, unless fewer than three applicants have applied for the position each of whom is certified in the critical shortage area being filled.

(b) For any position sought to be filled by employment of a retiree, the employer may certify the existence of a critical shortage only after complying with all of the following requirements:

(i) Posting with the career development office, or similar such entity, of every postsecondary education institution within a one hundred twenty-mile radius of the employer's governing authority at the beginning of each semester a general statement that the employer is soliciting applications for future employment of certified teachers.

(ii) Advertising at least once per month in the official journal of the employer's governing authority that the employer is soliciting applications for future employment of certified teachers.

(iii) Prominently displaying a listing of positions that are unfilled or that are filled by reemployed retirees, including those positions filled under the provisions of Subsection G of this Section, on the website of the employer's governing authority and of the employer, if the employer maintains a separate website.

* * *

G.(1) A retiree of this system who has been retired for at least twelve months and who did not retire based on a disability may be directly reemployed without suspension or reduction in benefit if either of the following apply:

(a) The retiree is certified to teach mathematics, science, English language arts, or special education excluding gifted and talented and is reemployed to fill a position in the area of certification.

(b) The retiree is certified, has at least thirty years of creditable service, has attained at least age sixty-two, and is reemployed to fill a vacancy created because a teacher is on maternity leave pursuant to R.S. 17:1211, military leave pursuant to R.S. 17:1215, sabbatical leave pursuant to R.S. 17:1171, or extended sick leave pursuant to R.S. 17:1202.

(2) The provisions of this Subsection shall not apply to anyone reemployed by contract or corporate contract.

(3) If a teacher who is not a retiree of this retirement system and who is certified in one of the areas listed in Subparagraph (1)(a) of this Subsection applies for a position in the area of certification filled at that time by a retiree reemployed under the provisions of Subparagraph (1)(a) of this Subsection, that nonretiree shall be employed to replace the retiree at the start of the next grading period.

(4) The provisions of this Subsection shall terminate July 1, 2027.

H. Notwithstanding any other provision of law to the contrary, the provisions of this Section shall be applicable only to a retiree who returns to active service with an employer covered by the provisions of this Chapter ~~retired on or before June 30, 2020, and any retiree covered under Subparagraph (A)(6) of this Section.~~

§710.1. Employment of retirees **who retired on or after July 1, 2020**

A. Except as otherwise provided in this Section, any retiree who returns to

active service with an employer covered by the provisions of this Chapter **and who retired** on or after July 1, 2020, shall for that period of employment choose one of the following irrevocable options, which shall be made in writing and filed with the appropriate officer of the employer:

* * *

F. Any retiree who retired on or before June 30, 2020, and who returned to active service under the provisions of this Section may elect to be reemployed pursuant to the provisions of R.S. 11:710. The retiree shall submit to his employer a form provided by the system noting his decision to have his reemployment covered by the provisions of R.S. 11:710. After the termination of R.S. 11:710(G), the retiree may elect to be covered by the provisions of this Section as provided in Subsection B of this Section. Any retiree who elects to be reemployed pursuant to the provisions of R.S. 11:710 and who subsequently elects to be covered by the provisions of this Section as provided in Subsection B of this Section shall thereafter be covered exclusively by the provisions of this Section.

§710.2. Employment of retirees; postsecondary institution critical shortages

A. The provisions of this Section shall apply to any retiree of the retirement system who retired on or before June 30, 2020, and who meets all of the following criteria:

- (1) The retiree has been retired for at least twelve months.**
- (2) He did not retire based on a disability.**
- (3) He has at least thirty years of creditable service in the retirement system.**
- (4) He has attained at least age sixty-two.**
- (5) He is being employed to fill a position for an adjunct professor as defined in R.S. 11:710 and assigned the professional activities of instructing pupils in a nursing program at a public postsecondary education institution where a critical shortage exists.**

B. A retiree to whom this Section applies shall not receive a benefit during the period of his reemployment as provided in this Section unless and until the institution's postsecondary education management board, the Board of Regents, and the board of trustees of the retirement system have received certification that a critical shortage exists. Prior to making such certification, the institution shall comply with the provisions of Subsection C of this Section.

C. In order to declare the existence of a critical shortage, a public postsecondary education institution shall cause to be prominently displayed a listing of positions to which this Section applies that are unfilled or that are filled by reemployed retirees on the websites of the institution, of the institution's management board, and of the Board of Regents.

D. During the period of his return to active service, the retiree and his employer institution shall make contributions to the retirement system as otherwise provided by law, but the retiree shall receive no additional service credit and shall not accrue any additional retirement benefits in the retirement system. Upon termination of active service, the retiree shall, upon application, be refunded the employee contributions paid since reemployment. The refund shall be without interest. The retirement system shall retain the employer contributions.

E. When any retiree covered by this Section returns to active service with an employer institution covered by the provisions of this Chapter, the employing institution shall, within thirty days thereafter, notify the board of trustees in writing of such employment and the date on which employment commenced. Upon termination, the institution shall provide the same notice. In addition, the employing institution shall also report to the retirement system within forty-five days after June thirtieth of each year, the names of all persons being paid by the employing institution and all persons having received a benefit pursuant to the provisions of this Section, along with such individuals' social security numbers, their positions, their designations as part-time or full-time, and the amount of their earnings during the previous fiscal year ending on June thirtieth of the reporting year. Additionally, the employing institution shall transmit a monthly contributions report pursuant to R.S. 11:888(A). Such monthly reports shall be transmitted within thirty days of the last day of each month and shall include the salary paid to each individual retiree reemployed under this Section. Should failure to give notice of return to active service or failure to report any other information required by this Section result in any payment being made in violation of this Section, the employing institution shall be liable to the system for the repayment of such amounts.

F. The provisions of this Section shall not apply to anyone reemployed by contract or corporate contract.

G. The provisions of this Section shall terminate July 1, 2027.

Section 2. The cost of Section 1 of this Act, if any, shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Section 3. **The Department of Education shall undertake a study to determine whether the critical shortages suffered by schools participating in the Teachers' Retirement System of Louisiana are suffered to the same degree by public schools that are not participating employers of the system. The department shall ascertain the causes of the shortages, and, if the shortages are not substantially the same, the department shall ascertain the reasons for the disparity. In either case, the department shall propose policy changes that will reduce or eliminate the shortages in both the long and short term without employment of retirees. The department shall submit its findings and proposed policy changes to the House and Senate committees on retirement and the House and Senate committees on education by January 20, 2023.**

Section 4. The provisions of Sections 1 and 2 of this Act shall become effective when the Act which originated as Senate Bill No. 377 of the 2022 Regular Session of the Legislature become effective.

Section 5. The provisions of Sections 3 and 4 and this Section of this Act

shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, the provisions of Sections 3 and 4 and this Section of this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 550

SENATE BILL NO. 450
BY SENATOR STINE
AN ACT

To amend and reenact R.S. 26:271.1(A), relative to microbreweries; to provide for retail sales on or off premises; to provide for transfers; to provide for conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:271.1(A) is hereby amended and reenacted to read as follows:

§271.1. Microbrewery; retail sales on or off premises

A.(1) Any person who has properly obtained a microbrewer's permit as provided for in R.S. 26:271, shall be authorized to engage in the brewing of beer and other malt beverages in a quantity not to exceed twelve thousand five hundred barrels during the licensed year. The holder of such permit shall also be authorized to sell the manufactured beverages at retail for consumption on or off the licensed premises, if the holder also has been issued a Retailer, Class A permit.

(2) A licensed wholesaler may transfer from a permitted microbrewery to another permitted microbrewery up to fifty percent of the total manufactured beverages sold at the receiving microbrewery provided all of the following conditions are met:

(a) The microbrewery receiving the transferred manufactured beverages shall be wholly owned by the permitted microbrewery that brews the manufactured beverages authorized for transfer.

(b) The receiving microbrewery shall have, at a minimum, a ten barrel brewing system.

(c) The microbrewery transferring the manufactured beverages shall be responsible for paying all applicable federal, state, and local excise taxes on the transferred manufactured beverages.

(d) Only one permitted microbrewery within the same municipality shall be allowed to receive the transfer of manufactured beverages pursuant to this Section.

(3) A licensed wholesaler transferring the manufactured beverages pursuant to this Section shall be exempt from the provisions of R.S. 26:359(A).

* * *

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 551

SENATE BILL NO. 477
BY SENATOR SMITH
AN ACT

To enact R.S. 32:387.2, relative to special permits; to establish a permit for the operation of a combination of vehicles or tandem loads hauling containers to and from port facilities; to provide for the adoption of administrative rules; to provide for terms, conditions, requirements, and specifications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:387.2 is hereby enacted to read as follows:

§387.2. Special permits; vehicles or tandem loads hauling divisible or nondivisible container imports or exports to port facilities

A. Notwithstanding any provision of law to the contrary, the secretary shall issue a biannual permit for the operation of a combination of vehicles or tandem loads hauling divisible or nondivisible container imports or exports to and from any port facility in the state, provided the combination of vehicles or tandem loads meets all of the following requirements:

(1) Does not exceed one hundred forty thousand pounds gross weight.

(2) Does not exceed forty thousand pounds per tandem axle spread and sixty thousand pounds per tridem axle spread as defined by the Department of Transportation and Development.

(3) Does not exceed eighty-three feet in length.

(4) Is equipped with a dual-axle dolly and a dolly safety system with tilt sensors attached to the dolly that provide feedback on tilt information to the driver of the vehicle to ensure safe operations.

B. The permits and route via state and federal roadways, excluding the interstate system, shall be issued at the truck permit office of the Department of Transportation and Development.

C. The secretary shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Section.

D. The provisions of this Section and all legislative authority for the existence of the permits authorized in this Section shall cease to exist on August 1, 2026.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 552

SENATE BILL NO. 498
(Substitute of Senate Bill No. 457 by Senator Stine)
BY SENATOR STINE
AN ACT

To enact R.S. 48:2085, relative to the Louisiana Transportation Authority; to provide for design build projects; to provide for unsolicited proposals; to provide for responsibilities of the Department of Transportation and Development; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:2085 is hereby enacted to read as follows:

§2085. Design build projects; authority

Notwithstanding any law to the contrary or the requirements of this Chapter, the authority may accept unsolicited proposals for design build projects in excess of one hundred million dollars. If the authority receives an unsolicited proposal of the design build project, the authority shall notify the department and the department shall review the unsolicited proposal and notify interested bidders by public advertisement throughout the state for a period of thirty days. Interested parties shall submit a formal request of consideration within thirty days. Interested bidders shall be allowed no more than one hundred twenty days to submit an unsolicited proposal including schedule, design, and cost. All proposals for a design build project received pursuant to this Section shall comply with all applicable provisions of law regarding the design build method and the review cost shall be nonrefundable should the project not move forward.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 553

HOUSE BILL NO. 586
BY REPRESENTATIVES THOMAS AND BOYD
AN ACT

To enact R.S. 37:1435.1, relative to the authority of the Louisiana Real Estate Commission; to authorize access to certain criminal history record information; to provide for definitions; to provide for legislative intent; to establish minimum standards and procedure; to provide for limitations to the access and use of certain criminal history record information; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1435.1 is hereby enacted to read as follows:

§1435.1. Authority to obtain criminal history record information

A. As used in this Section, the following terms have the following meanings:
(1) "Applicant" means an individual who applies to the commission to request the initial issuance or reinstatement of any form of licensure the commission is authorized to issue according to this Chapter.

(2) "Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.

(3) "Commission" means the Louisiana Real Estate Commission.

(4) "Criminal history record information" means all state records of arrest, prosecution, conviction, including those which have been expunged or dismissed pursuant to Code of Criminal Procedure Article 893, and national records which shall include fingerprints of the applicant, biometrics, and other identifying information, if so requested by the department.

(5) "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

(6) "Licensure" means any form of licensure the commission is authorized to issue in accordance with this Chapter.

B.(1) The legislature hereby finds and declares it is vitally important to the public health, interest, and welfare to protect Louisiana citizens, their residences, and other property by reasonably regulating the licensure of persons performing real estate activity in the state.

(2)(a) Accordingly, pursuant to this Section, the commission is hereby authorized to request and obtain state and national criminal history record information from the bureau and the FBI regarding each applicant.

(b) Notwithstanding Subparagraph (a) of this Paragraph, the commission's

use of fingerprints shall be for the limited purposes of determining the initial licensure or reinstatement eligibility of each applicant and conducting directly related matters in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. or other applicable law.

(3) The commission shall be entitled to the criminal history record and identification files of the Louisiana Bureau of Criminal Identification and Information, located within the Department of Public Safety and Corrections, of any person who is licensed or is applying to be licensed as a real estate salesperson or broker. Fingerprints, biometrics, and other identifying information of the applicant shall be submitted to the Louisiana Bureau of Criminal Identification and Information for qualification and registry, and the Louisiana Bureau of Criminal Identification and Information shall, upon request of the bureau and after receipt of such fingerprint card and other identifying information from the applicant, make available to the bureau all arrest and conviction information contained in the Louisiana Bureau of Criminal Identification and Information's criminal history record and identification files which pertain to the applicant for licensure. In addition, the fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification and Information to the Federal Bureau of Investigation for a national criminal history record check.

(4) In accordance with the authority provided for in this Chapter, the costs of providing the information required in accordance with this Section shall be charged by the Louisiana Bureau of Criminal Identification and Information, as specified in R.S. 15:587(B) to the bureau for furnishing information contained in the Louisiana Bureau of Criminal Identification and Information's criminal history records and identification files, including any additional cost of providing the national criminal history records check, which pertains to the applicant. The bureau may impose any or all such fees or costs on the applicant.

C. Notwithstanding any other provision of this Chapter, the commission may require an applicant to do any of the following to determine the initial licensure or reinstatement eligibility of an applicant:

(1) Submit a complete set of fingerprints in the form and manner required by the bureau.

(2) Authorize the commission to request and obtain state and national criminal history record information relating to the applicant.

(3) Pay to the bureau an amount equal to the administrative costs imposed by or on behalf of the bureau, relating to submission and processing of applicant fingerprints for review of criminal history record information.

D. The commission is required to do all of the following relative to its access, use, and maintenance of criminal history record information:

(1) Prescribe a form to be completed by each applicant prior to any fingerprint submission, which shall include all of the following at a minimum:

(a) An acknowledgment that fingerprints submitted to the bureau or commission shall be used to check the national criminal history records maintained by the FBI.

(b) An inquiry requiring the applicant to specifically identify or state the specific reason he has submitted fingerprints to the bureau or commission.

(c) A statement providing the procedure and contact information necessary to challenge the accuracy of information contained in the FBI identification record of the applicant.

(d) Any other notice or information required by the bureau to be disclosed to an applicant prior to the submission of fingerprints.

E.(1) Notwithstanding any other provision of this Section, this Section shall not apply to any licensee, who is licensed and in good standing with the commission, on or before December 31, 2022.

(2) Notwithstanding Paragraph (1) of this Subsection, any real estate salesperson licensed on or before December 31, 2022, who subsequently applies on or after January 1, 2023, either for initial licensure as a real estate broker or for the reinstatement of any suspended or revoked license issued by the commission shall be subject to this Section.

(3) Every real estate salesperson or broker who seeks licensure with the Commission shall consent to and pay the costs of a background check pursuant to R.S. 15:587.

Section 2. This Act shall become effective January 1, 2023.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 554

HOUSE BILL NO. 612
BY REPRESENTATIVE HUVAL
AN ACT

To enact R.S. 22:1483.1, relative to the Louisiana Fortify Homes Program; to provide for financial grants to retrofit residential property; to define certain terms; to provide for eligibility requirements; to provide for confidentiality of applicants; to provide for an effective date; to provide for termination of the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1483.1 is hereby enacted to read as follows:

§1483.1. Louisiana Fortify Homes Program

A. The Louisiana Fortify Homes Program is hereby created within the department. The commissioner, as program administrator, may make financial

grants to retrofit roofs of insurable property, as defined in R.S. 22:1483(C) (9), with a homestead exemption to resist loss due to hurricane, tornado, or other catastrophic windstorm events and to meet or exceed the "fortified roof" standard of the Insurance Institute for Business and Home Safety. The commissioner shall promulgate rules governing eligibility requirements for grants and the administration of the program.

B. In order to receive a grant pursuant to this Section, the grantee shall do all of the following:

- (1) Obtain all permits required by law or ordinance for construction.
- (2) Arrange and pay for inspections required by law or ordinance and the terms of the grant, which shall include inspection pursuant to R.S. 22:1483(C) (3).
- (3) Comply with applicable building codes.
- (4) Maintain records as required by R.S. 22:1483(C)(4) and (5) and the terms of the grant.

C. The name of a recipient of a grant received pursuant to this Section, the amount of the grant, and the municipal address of the retrofitted insurable property shall be a public record.

D. There is hereby established in the state treasury as a special fund the Louisiana Fortify Homes Program Fund, hereafter referred to in this Section as the "fund". Monies appropriated or transferred to the fund shall be deposited by the state treasurer after compliance with the provisions of Article VII, Section 9(B) of the Constitution of Louisiana. Monies in the fund shall be invested in the same manner as monies in the state general fund, and any interest earned on monies in the fund shall be credited to the fund. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be used to provide grants pursuant to this Section.

E. This Section does not create any of the following:

- (1) An entitlement for property owners to receive funding to inspect or retrofit residential property.
- (2) An obligation for the state to appropriate funding to inspect or retrofit residential property.

F. The provisions of this Section shall terminate and have no effect beginning at twelve o'clock midnight on June 30, 2025.

Section 2. This Act shall become effective January 1, 2023.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 555

HOUSE BILL NO. 655

BY REPRESENTATIVE COUSSAN AND SENATORS ALLAIN, CATHEY,
FESI, HEWITT, MILLIGAN, FRED MILLS, MIZELL, MORRIS, REESE,
STINE, AND WOMACK
AN ACT

To amend and reenact R.S. 30:136.3(D) and 1154(A)(introductory paragraph), (B), (C), and (D) and to enact R.S. 30:136.3(B)(5) and 1154(A)(9), (E), and (F), relative to solar energy; to provide for the powers and duties of the secretary of the Department of Natural Resources; to require a permit to construct or operate a solar power generation facility; to provide for fees; to provide for financial security; to provide for terms, conditions, and exceptions; to provide for the Mineral and Energy Operation Fund; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:136.3(D) and 1154(A)(introductory paragraph), (B), (C), and (D) are hereby amended and reenacted and R.S. 30:136.3(B)(5) and 1154(A)(9), (E), and (F) are hereby enacted to read as follows:

§136.3. Mineral and Energy Operation Fund

* * *

B. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year as required by Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer in each fiscal year shall pay into the fund revenues and amounts from the following sources:

* * *

- (5) All revenue received from fees collected pursuant to R.S. 30:1154.

* * *

D. The monies in the fund shall be appropriated by the legislature to the Department of Natural Resources to be used solely for the administration and regulation of minerals, ground water, and related energy activities. Additionally, monies deposited into the fund pursuant to Paragraph (B)(5) of this Section shall be used solely for the administration and regulation of solar power generation facilities.

* * *

§1154. Regulations governing solar devices power generation facilities; solar leases

A. The secretary shall develop and adopt, in cooperation with affected utility, agricultural, and solar industries, landowners, and consumer representatives and after one or more public hearings, regulations governing solar devices power generation facilities and property leases for the exploration, development, and production of solar energy. The regulations shall be designed to encourage the development and use of solar energy and

to provide maximum information to the public concerning solar devices and solar power generation facilities. The regulations may include all of the following:

* * *

(9)(a) Requirements for a permit to construct or operate a solar power generation facility shall include a bond or other acceptable financial security in an amount determined by the secretary to ensure proper site closure. Any bond shall be executed by the permittee and a corporate surety licensed to do business in the state. The bond or other instrument shall be payable to the Department of Natural Resources except the secretary may accept any financial security provided to the landowner or lessor for facilities exempted from permit fees pursuant to Paragraph (D)(3) of this Section. Any bond or other instrument shall ensure the following:

- (i) Substantial compliance with this Section and any rule or regulation promulgated pursuant to this Section.
- (ii) Compliance with any permit issued or enforced pursuant to this Section.
- (iii) Compliance, as determined by a court of competent jurisdiction, with provisions of the property lease for the exploration, development, and production of solar energy on which the facility is located and that the violation would require closure of the facility. The department shall notify the lessor of any enforcement action against a permittee or upon a claim against the bond or other instrument.

(b) In determining the adequacy of the amount or other specific requirements of the bond or other financial security, the secretary shall consider the following:

- (i) The assets, debts, and compliance history of the applicant or permittee.
- (ii) The condition and capacity of the facilities to be covered by such security.

(iii) The estimated cost of site closure and remediation that includes the estimated cost of removing the solar power generation facility and associated infrastructure from the property and restoring the property to as near as reasonably possible to the condition of the property prior to the commencement of construction of the facility. The secretary may consider only the salvage value of the facility and associated infrastructure in determining the estimated cost of site closure and remediation if the materials are available in decommissioning during a bankruptcy of the facility owner or operator. The secretary shall adjust the estimated cost based upon any updated decommissioning plan submitted pursuant to Paragraph (D)(2) of this Section. Any increase in the amount of financial security required shall be secured by the permit holder within thirty days of notification of the increase.

(c) Subparagraphs (a) and (b) of this Paragraph shall not apply to the following solar power generation facilities that are owned by an electric utility provider regulated by the Public Service Commission or the council of the city of New Orleans:

(i) Facilities located on land owned by the electric utility provider and the provider is capable of demonstrating a decommissioning plan to the regulator.

(ii) Facilities located on land leased by the electric utility provider and that meet both of the following conditions:

(aa) The regulated electric utility provider guarantees to the landowner or lessor that the regulated electric utility provider will pay the cost of the decommissioning plan provided for in Paragraph (D)(2) of this Section and the guarantee is acceptable to the secretary.

(bb) The lease between the landowner or lessor and the regulated electric utility provider provides for site decommissioning at the end of the facility's life, at the termination of the lease, as determined by a court of competent jurisdiction, and upon other circumstance that requires closure of the facility.

(d) If a solar power generation facility is sold or otherwise transferred, the secretary shall not release the bond or other financial security of the seller or transferor until the buyer or transferee provides a bond or other acceptable financial security in accordance with the provisions of this Section.

B. The secretary shall give due consideration to the effects of the regulations on the cost of purchasing, installing, operating, and maintaining solar devices in a solar power generation facility, and shall reassess and amend the regulations as often as deemed necessary considering their effect upon the benefits and disadvantages to the widespread adoption of solar energy systems and the need to encourage creativity and innovative adaptations of solar energy.

C. Under no circumstances may the secretary preclude any person from developing, installing, or operating a solar device on his own property for residential use or collect any fee for such use.

D.(1) No person shall construct or operate a solar power generation facility that has a footprint of ten or more acres without holding a permit issued pursuant to the rules and regulations provided for in this Section. A permit issued pursuant to this Subsection shall only pertain to the implementation of the decommissioning plan as provided in Paragraph (2) of this Subsection, and financial security required pursuant to Paragraph (A)(9) of this Section. In addition to other requirements for the issuance of a permit, the department shall collect the following fees:

(a) An application fee not to exceed fifteen dollars per acre of the solar power generation facility footprint.

(b) An application processing fee not to exceed five hundred dollars for the entire project.

(c) An annual monitoring and maintenance fee beginning the year after issuance of the permit and every year thereafter not to exceed fifteen dollars per acre of the facility footprint.

(d) Notwithstanding the provisions of this Paragraph, no applicant or permit holder shall be charged a fee that exceeds the department's budgeted

costs of implementing and administering the provisions of this Section for the fiscal year in which the fee is charged.

(2) Any application for a permit shall include a decommissioning plan for the facility that plans for closure at the end of life of the facility as well as closure in the event of a disaster making operation of the power generation facility impossible. The decommissioning plan shall be updated every five years after the initial submission. All submitted plans shall be reviewed for sufficiency by the department and approved by the secretary.

(3) Any solar power generation facility that is certified by the Public Service Commission or the council of the city of New Orleans on or before August 2, 2022, shall be exempt from the fees provided for in this Section, shall register with the department by January 1, 2023, and comply with the requirements of this Section and any rule and regulations promulgated pursuant to this Section by June 30, 2024.

(4) All the monies collected from the fees provided for in this Subsection shall be deposited in the Mineral and Energy Operation Fund.

E. For purposes of this Section, the following terms shall have the meanings ascribed to them in this Subsection, unless the context or use clearly indicates otherwise:

(1) "Solar power generation facility" means one or more solar devices and any facility or equipment used to support the operation of the solar devices, including any underground or above ground electrical transmission or communications line located within the footprint of the facility, an electric transformer, a battery storage facility, an energy storage facility, telecommunications equipment, a road, a meteorological tower, or a maintenance yard.

(2) "Solar device" means a solar energy collector or solar energy system that provides for the collection of solar energy or the subsequent use of that energy as thermal, mechanical, or electrical energy.

(3) "Salvage value" means the actual or estimated scrap value of the raw materials once removed from the facility and ready for sale.

F. Any violation of any regulation adopted by the secretary pursuant to this Section may be enjoined in the manner prescribed by law.

Section 2. The Department of Natural Resources shall reimburse the state general fund by June 30, 2026, for any appropriation to the department for the administration and regulation of solar power generating facilities for Fiscal Years 2022-2023 or 2023-2024 from any revenues received from fees collected pursuant to the Act. For Fiscal Years 2022-2023 through Fiscal Years 2025-2026, the reimbursement of the state general fund shall be considered costs for the purposes of R.S. 30:1154(D)(1)(d) as enacted by this Act.

Section 3. This Act shall become effective on August 2, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or August 2, 2022, whichever is later.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 556

HOUSE BILL NO. 724

BY REPRESENTATIVES BAGLEY, COX, DAVIS, FISHER, FONTENOT,
GLOVER, GOUDEAU, HILFERTY, JENKINS, NEWELL, PRESSLY, ST.
BLANC, AND THOMAS

AN ACT

To enact Chapter 15-B of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1481 through 1485, relative to economic development; to provide for intent; to provide for definitions; to provide for an economic development program; to provide for qualified expenditures; to provide relative to the powers and duties of the Department of Economic Development; to provide relative to the promulgation of administrative rules; to provide for procedure; to provide for cooperative endeavor agreements; to provide for application of law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 15-B of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:1481 through 1485, is hereby enacted to read as follows:

**CHAPTER 15-B. LOUISIANA COMPETES REGIONAL ECONOMIC
DEVELOPMENT PROGRAM**

§1481. Legislative intent

The legislature recognizes the strong competition among states to attract new business and industry and to grow existing business and industry. It is further recognized that different regions of this state have different characteristics and attributes which are advantageous to specific sectors of the economy. As a result, these regions each have unique challenges and opportunities relative to economic development. The legislature believes that local citizens working through regional economic development organizations are uniquely positioned to support the state's overall economic development efforts by identifying and directing how certain resources are best utilized to take advantage of a region's distinctive economic potential. It is the intent of the legislature to authorize and direct the execution of cooperative endeavor agreements, in accordance with this Chapter and R.S. 33:9029.2, by and between the state and each of the eight regional economic

development organizations where the state will provide economic support to the regional economic development organizations in exchange for the regional economic development organizations providing locally developed and tailored services directly related to attracting new business and industry and growing existing business and industry within their respective regions through the use of funds awarded through the Louisiana Competes Regional Economic Development Program, as provided for in this Chapter. It is further the intent of the legislature to minimize red tape and grant regional economic development organizations the maximum flexibility to utilize grant funds in furtherance of the intent of this Section. The legislature finds and determines that the use of funds are in furtherance of a public purpose.

§1482. Definitions

For purposes of this Chapter, the following words have the following meanings:

(1) "Louisiana Competes Program" means the Louisiana Competes Regional Economic Development Program.

(2) "Grant" means an award from the Louisiana Competes Economic Development Program to a regional economic development organization.

(3) "Qualified expenditure" shall have the meaning set forth in R.S. 39:1484.

(4) "Regional economic development organization" means any of the following: the Baton Rouge Area Chamber, or its successor; the Central Louisiana Economic Development Alliance, or its successor; Greater New Orleans, Inc., or its successor; the Northeast Louisiana Economic Alliance, or its successor; the North Louisiana Economic Partnership, or its successor; One Acadiana, or its successor; the South Central Planning and Development Commission, or its successor; or the Southwest Louisiana Economic Development Alliance, or its successor.

(5) "Secretary" means the secretary of the Department of Economic Development.

§1483. Louisiana Competes Regional Economic Development Program

A. There is hereby created the Louisiana Competes Regional Economic Development Program to be administered by the Department of Economic Development, to provide grants to regional economic development organizations pursuant to the Louisiana Competes Regional Economic Development Program as established in this Chapter.

B. Each regional economic development organization shall receive an initial grant in the amount of one-eighth of the initial funds appropriated in accordance with the provisions of this Chapter. Each regional economic development organization shall receive all subsequent grants in the amount of one-eighth of the annual funds appropriated or otherwise generated in accordance with the provisions of this Chapter.

C. The secretary shall promulgate administrative rules in accordance with the Administrative Procedure Act to implement the provisions of this Chapter. The rules shall be promulgated in consultation with the eight regional economic development organizations and the Louisiana Chamber of Commerce Foundation.

§1484. Qualified expenditures

A. A regional economic development organization shall only utilize grant funds to pay for qualified expenditures related to the furtherance of economic development within the region it represents. Qualified expenditures are limited to site development costs for publicly owned property or other property to the extent allowable under Article VII, Section 14 of the Constitution of Louisiana and other applicable state law.

B. Site development costs include but are not limited to costs incurred for the following:

(1) Studies.

(2) Surveys.

(3) Development of plans and specifications.

(4) Entering into option agreements.

(5) Infrastructure improvements.

(6) Due diligence.

(7) Remediation.

(8) Wetland delineation.

(9) Professional services for architectural, engineering, legal, construction, and financial services related to site development.

C. Without limiting the provisions of Subsections A and B of this Section, a regional economic development organization shall not utilize any monies awarded pursuant to the provisions of this Chapter for any of the following:

(1) Salaries, wages, or benefits.

(2) Travel expenses incurred by the regional economic development organization's officers, employees, or contractors.

(3) Alcohol.

(4) Land, buildings, offices, equipment, or vehicles used primarily for the administrative operations of the regional economic development organization.

§1485. Cooperative endeavor agreement; term; public fund matching

A. Within thirty calendar days after adoption of administrative rules promulgated for the implementation of this Chapter, the regional economic development organization and the state shall enter into a cooperative endeavor agreement as provided for in R.S. 33:9029.2. The objectives and intent of each cooperative endeavor agreement shall be in conformity with the objectives and intent of this Chapter. Accordingly, the obligations of the regional economic development organization set forth in the cooperative endeavor agreement shall be limited to the following:

(1) Identifying high-priority sites for the purpose of attracting economic

development projects.

(2) Developing high-priority sites for the purpose of attracting economic development projects.

(3) Developing and subsequently providing an annual report of all activities related to the objectives of the cooperative endeavor agreement undertaken in the previous year.

(4) Maintaining records and an accurate accounting of all expenditures.

(5) Adhering to state and federal non-discrimination laws.

(6) Adhering to the provisions of R.S 39:1602.1.

(7) Applying a ten percent local match as provided for in Subsection C of this Section.

B. The initial cooperative endeavor agreement with each regional economic development organization shall have an initial term of two years. Thereafter the initial cooperative endeavor agreement with a regional economic development organization shall automatically renew for successive one-year periods until such time as all initial funds provided in the agreement have been expended.

C. A regional economic development organization shall not expend any grant funds without simultaneously applying local matching funds equaling ten percent of the cost being paid. Funds originating from any lawful source other than the state shall constitute local matching funds.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 557

HOUSE BILL NO. 742
BY REPRESENTATIVE BISHOP
AN ACT

To enact R.S. 27:416(C)(3)(c) and 417(A)(6)(h) and to repeal R.S. 27:417(A)(2), relative to the Video Draw Poker Devices Control Law; to provide relative to qualified truck stop facilities; to provide relative to the requirements of qualified truck stop facilities; to provide relative to the criteria of qualified truck stop facilities; to provide relative to amenity requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:416(C)(3)(c) and 417(A)(6)(h) are hereby enacted to read as follows:

§416. Qualified truck stop facilities; number of devices; fuel sales

* * *

C.

* * *

(3)

* * *

(c) A qualified truck stop facility that has met the requirements of Subparagraphs (a) or (b) of this Paragraph shall only be required to offer, in the regular course of business, fuel for sale for individual vehicle consumption notwithstanding the requirements found in this Paragraph and Paragraph (2) of this Subsection.

* * *

§417. Qualified truck stop criteria; amenities

A. As used in this Chapter, a qualified truck stop facility shall mean a facility covering at least five developed contiguous acres which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for eighteen-wheel tractor-trailers, and which also meets all of the following criteria:

* * *

(6) It must have at least four of the following amenities, except for reason of force majeure affecting the ability to maintain the amenities for a reasonable period of time, as determined by the division following the interruption of such ability:

* * *

(h) A Class-A General retail permit operating as a sports wagering lounge which sells food or has an onsite restaurant.

* * *

Section 2. R.S. 27:417(A)(2) is hereby repealed in its entirety.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 558

HOUSE BILL NO. 831
BY REPRESENTATIVE FIRMENT
AN ACT

To enact R.S. 22:1338, relative to additional living expense coverage for homeowner's insurance; to provide for an advance payment in the event of a total loss; to provide for payment after the advance period; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1338 is hereby enacted to read as follows:

§1338. Additional living expense coverage; total loss

A. In the event of a total loss to an insured dwelling caused by a covered peril, if the insured has additional living expense coverage, the insurer shall, upon request by the insured, render an advance payment equal to the estimated value of three months of increased cost of living expenses, as defined in the policy, required for the members of the household to maintain their normal standard of living. Further payments of additional living expense coverage, after the advance period, shall be payable upon submission of satisfactory proof of loss, if it is determined that the actual cost of incurred additional living expenses exceeds the amount previously advanced.

B. Nothing in this Section shall be interpreted to prohibit an insurer from restricting payment in cases of suspected fraud.

Section 2. This Act shall become effective on January 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or January 1, 2023, whichever is later.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 559

HOUSE BILL NO. 856
BY REPRESENTATIVE GEYMANN
AN ACT

To amend and reenact R.S. 22:1892(G), relative to the appraisal clause required in all residential property insurance policies; to provide notice that lawsuits regarding a policy will be held in abatement in certain circumstances; to provide for the courts' discretion in setting a deadline for timely demanding appraisal; to provide for enforcement; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1892(G) is hereby amended and reenacted to read as follows:

§1892. Payment and adjustment of claims, policies other than life and health and accident; vehicle damage claims; extension of time to respond to claims during emergency or disaster; penalties; arson-related claims suspension

* * *

G. On or after January 1, 2022, residential Residential property insurance policies shall contain the following provision, (with permission to substitute the words "this company" with a more accurate descriptive term for the insurer):

"Appraisal. If you and this Company fail to agree as to the amount of loss, either party may demand that the amount of the loss be set by appraisal. If either party makes a written demand for appraisal, each party shall select a competent appraiser and notify the other party of their appraiser's identity within twenty days of receipt of the written demand for appraisal. The appraisers shall select a competent and impartial umpire, ~~but, if~~ if after fifteen days the appraisers have not agreed upon who will serve as umpire, the umpire shall be appointed by a judge of the court of record in which the property is located. The appraisers shall ~~then~~ appraise the loss. If the appraisers submit written notice of an agreement as to the amount of the loss to this Company, the amount agreed upon shall set the amount of the loss. If the appraisers fail to agree within thirty days, the appraisers shall submit their differences along with any supporting documentation to the umpire, who ~~must~~ shall appraise the loss. The appraisers may extend the time to sixty days for which they shall agree upon the amount of loss or submit their differences and supporting documents to the umpire, if the extension is agreed to by the appraisers from both parties. A written agreement signed by the umpire and either party's appraiser shall set the amount of the loss, pursuant to the appraisal process, but shall not preclude either party from exercising its rights under the policy or the law. Each appraiser shall be paid by the party selecting that appraiser. Other expenses of the appraisal and the expenses of the umpire shall be divided and paid in equal shares by you and this Company. If there is an appraisal award, all applicable policy terms, limits, deductibles, and conditions ~~will still~~ shall apply. If you file a lawsuit relative to this policy against this Company prior to a demand for appraisal, the lawsuit will be held in abatement ~~until the execution of an appraisal award during the period between a timely demand for appraisal and the deadline for execution of an appraisal award, pursuant to this clause.~~ The court of record in which the property is located may enforce the deadlines of this clause, set a reasonable deadline for timely demanding appraisal after all parties have filed pleadings in a lawsuit, and require compliance with discovery and disclosure obligations relative to aspects of the lawsuit unrelated to the appraisal."

Section 2. This Act shall become effective January 1, 2023.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 560

HOUSE BILL NO. 904
BY REPRESENTATIVES PHELPS AND LANDRY
AN ACT

To amend and reenact R.S. 14:134.1(A)(introductory paragraph), relative to malfeasance in office; to provide with respect to malfeasance in office involving prohibited sexual conduct; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:134.1(A)(introductory paragraph) is hereby amended and reenacted to read as follows:

§134.1. Malfeasance in office; sexual conduct prohibited with persons in the custody and supervision of the Department of Public Safety and Corrections

A. It shall be unlawful and constitute malfeasance in office for any of the following persons to engage in sexual intercourse or any other sexual conduct with a person who is under their supervision and who is confined in a prison, jail, work release facility, or correctional institution, or who is under the supervision of the division of probation and parole, or who is detained or arrested:

* * *

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 561

HOUSE BILL NO. 909
BY REPRESENTATIVES EDMONDS AND GAROFALO
AN ACT

To enact Chapter 15 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1451 through 1455, relative to assistance programs of the Department of Children and Family Services; to establish within the department an assistance program for certain pregnant women and parents; to provide for services to be delivered through the program; to require reporting to certain legislative committees concerning the program; to require administrative rulemaking; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 15 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1451 through 1455, is hereby enacted to read as follows:

**CHAPTER 15. CONTINUUM OF CARE FOR
CERTAIN PREGNANT WOMEN AND PARENTS**

§1451. Definitions

As used in this Chapter, the following terms have the meaning ascribed to them in this Section:

(1) "Department" means the Department of Children and Family Services.

(2) "Program" means the continuum of care program established and provided for in this Chapter.

(3) "TANF" means the Temporary Assistance for Needy Families block grant program established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, and administered in this state by the Department of Children and Family Services.

§1452. Continuum of care program; purpose and goals; means of finance

A. The legislature hereby creates within the department a continuum of care program for certain pregnant women and parents, referred to hereafter in this Chapter as the "program".

B.(1) The purpose of the program is to facilitate the operation of a statewide telecare support network that provides community outreach, consultations, and care coordination for women who are challenged with unexpected pregnancies.

(2) The program shall be designed to accomplish all of the following goals:

(a) Encourage healthy childbirth.

(b) Support childbirth as an alternative to abortion.

(c) Promote family formation.

(d) Assist parents in establishing successful parenting techniques.

(e) Increase the economic self-sufficiency of families.

C.(1) The program shall encompass a statewide telecare support network. The department shall provide in rule for the functions and administration of this network.

(2) The rules of the department providing for the telecare support network shall ensure that the network does not hold itself out to be an entity that can perform, refer for, or assist with an abortion. The telecare support network shall not set appointments with or refer women or parents to any entity that performs abortions or recommends for abortion.

D. The department shall finance the program with monies appropriated to it by the legislature for the operation of the program, including TANF funds, American Rescue Plan Act funds, and any other sources of revenue. §1453. Services and supports; eligibility

A.(1) The program shall provide direct services, supports, social services case management, and referrals to biological parents of unborn children and biological or adoptive parents of children under the age of two years.

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* As it appears in the enrolled bill

(2) The program shall deliver services exclusively through electronic means, including synchronous and asynchronous interactions, utilizing the telecare support network provided for in R.S. 46:1452 unless the legislature specifically appropriates monies for other modes of service delivery.

B. The components of the program shall include, without limitation, all of the following:

(1) Outreach to at-risk populations eligible for the program.

(2) Utilization of registered nurses, who shall be licensed in accordance with R.S. 37:911 et seq., to perform the following functions:

(a) Assessment and evaluation of needs related to pregnancy or parenting.

(b) Provision of medically accurate, pregnancy-related medical information to program participants.

(3) Utilization of social workers, who shall be licensed in accordance with R.S. 37:2701 et seq., or other licensed individuals with equivalent experience to perform the following functions:

(a) Development of a care plan, resources, and supports for program participants to address identified needs.

(b) Referrals to appropriate local resources including, without limitation, state and federal benefits programs and local charitable organizations.

(c) Assistance in applying for state and federal benefits programs.

(d) Assistance in accomplishing elements of the care plan.

(4) Coordination for pregnant women served by the telecare support network of appointments with in-person pregnancy resources centers or similar agencies in this state which provide information and services including, without limitation, counseling, ultrasound services, pregnancy tests, prenatal assistance, parenting classes, material support, and adoption information.

C. In order to be eligible to receive services through the program, an individual shall, at the time of initial contact with the program, meet all of the following requirements:

(1) Is a resident of this state.

(2) Is a biological parent of an unborn child or a biological or adoptive parent of a child under the age of two years.

D. Any program participant who terminates a pregnancy shall be eligible to continue receiving services through the program for a period of six months from the date of the pregnancy termination.

§1454. Reporting

On or before December 1, 2023, and annually thereafter, the department shall submit to the House and Senate committees on health and welfare a report on the status and operation of the program. Each report required by this Section shall include, at minimum, all of the following:

(1) A detailed itemization of expenditures associated with the program.

(2) The number of individuals served by the program, and for the individuals served, the types of services provided to each.

(3) Any information regarding the program requested by and provided to any elected member of the legislature during the period addressed in the report.

(4) Any other information that the secretary of the department deems necessary or appropriate for facilitating evaluation of the program.

§1455. Rulemaking

The department shall promulgate in accordance with the Administrative Procedure Act all such rules as are necessary to implement the provisions of this Chapter.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 562

HOUSE BILL NO. 914
BY REPRESENTATIVE CREWS AND SENATOR FOIL
AN ACT

To enact R.S. 17:436.4, relative to students with seizure disorders; to provide for the training of school nurses and other school employees; to provide for management and treatment plans for students who have seizure disorders; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:436.4 is hereby enacted to read as follows:

§436.4. Seizure treatment and training

A. The parent or guardian of a student with a seizure disorder may submit to the administration of the student's school a seizure management and treatment plan developed by the student's parent and treating physician for review and use by school employees with whom the student has regular interaction. The plan shall include the following:

(1) The health care services the student may receive at school or while participating in a school activity.

(2) Evaluation of the student's ability to manage and understand his seizure disorder.

(3) Signatures from the student's parent or guardian and from the treating

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

physician.

B. The Department of Education shall develop or approve and make available two courses of instruction regarding treating students with seizure disorders that include information about seizure recognition and related first aid. One course shall be designed for school nurses and the other course for other school employees and school bus operators who have regular interactions with students for whom there is a seizure management and treatment plan. Each local public school governing authority shall require school nurses and such school employees and school bus operators to successfully complete the applicable course biennially.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 563

HOUSE BILL NO. 921
BY REPRESENTATIVE MCFARLAND
AN ACT

To amend and reenact R.S. 17:437.2(A)(2), (B), (C)(3), and (D) and to enact R.S. 17:407.22.1 and 437.2(A)(3) and (E), relative to adverse childhood experience in early childhood education; to provide for definitions; to provide for responsibilities of the state Department of Education; to require the creation of programs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:437.2(A)(2), (B), (C)(3), and (D) are hereby amended and reenacted and R.S. 17:407.22.1 and 437.2(A)(3) and (E) are hereby enacted to read as follows:

§407.22.1. Adverse childhood experience program; inclusion in early childhood education; pilot program

A.(1) The state Department of Education shall create and implement a program that integrates adverse childhood experience education as defined in R.S. 17:437.2 into early childhood education.

(2) The program shall include adverse childhood experience outreach to the parents and legal guardians of children in early childhood centers. The parents and legal guardians shall receive information, education, and resources about adverse childhood experiences and the effect such experiences have on early childhood education and the manifestations of such experiences in adulthood and the intergenerational nature of such experiences in families.

B. The department shall report to the legislature by January 31, 2023, relative to the status, progress, and effects of the programs implemented pursuant to Subsection A of this Section.

* * *

§437.2. Adverse childhood experiences; trauma-informed experience education; in-service training

A. As used in this Section:

* * *

(2) “Trauma-informed Adverse childhood experience education” means a school-wide approach to education and a classroom-based approach to student learning that recognizes the signs and symptoms of adverse childhood experiences in students, families, and staff and responds by integrating knowledge about trauma-informed adverse childhood experience policies, professional learning, procedures, and practices to address the long-term effects of adverse childhood experiences on a student’s cognitive functioning and his physical, social, emotional, and mental well-being.

(3) “Adverse childhood experience family outreach” means a school-wide approach to provide parents and legal guardians access to information about adverse childhood experiences and their effect on early childhood education, and education and resources regarding the manifestations of such experiences in adulthood and the intergenerational nature of such experiences in families.

B.(1) The State Board of Elementary and Secondary Education, after consultation with the Louisiana Department of Health, office of public health, shall develop and adopt guidelines for in-service training in recognizing the signs and symptoms of adverse childhood experiences and the utilization of trauma-informed adverse childhood experience educational practices to address student needs resulting from these experiences.

(2) The board shall adopt rules to require that, beginning with the 2021-2022 school year, all public and approved nonpublic school teachers, school counselors, principals, and other school administrators for whom the training is considered beneficial by the board shall annually participate in at least one hour of in-service training on recognizing adverse childhood experiences and the utilization of trauma-informed adverse childhood experience education. The in-service training required by this Paragraph shall be provided on a day that other types of in-service training will be provided in accordance with the school calendar adopted by each public school governing authority.

C. The training shall include research-based information regarding the following:

* * *

(3) Best practices for schools and classrooms regarding trauma-informed approaches to adverse childhood experience considerations in education.

* * *

D. The state Department of Education shall report to the legislature by

January 31, 2023, relative to efforts to integrate adverse childhood experience educational practices into schools.

E. The State Board of Elementary and Secondary Education shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Section.

Section 2. The Department of Education shall begin implementing R.S. 17:407.22.1 as enacted by this Act in fiscal year 2022-2023.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 564

HOUSE BILL NO. 329
BY REPRESENTATIVE ZERINGUE
AN ACT

To amend and reenact R.S. 47:1483(A) and (C) and to repeal R.S. 47:1483(D), relative to payment of judgments issued by the Board of Tax Appeals; to provide for the payment of certain claims approved by the board; to provide for requirements and limitations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1483(A) and (C) are hereby amended and reenacted to read as follows:

§1483. Payment of approved claims; notification to the legislature; offset of certain claims

A.(4) If the a claim that exceeds twenty thousand dollars is approved and it should be an amount not exceeding twenty thousand dollars, by the Board of Tax Appeals shall issue a judgment for payment of an approved claim, stating in the judgment the amount, purposes, and reasons for the judgment. If said claim shall amount to more than twenty thousand dollars and is approved by the board, the chairman of the board, giving all the facts and circumstances in connection therewith with the approved claim, shall report the judgment to the legislature for its consideration as provided for in this Part. Claims approved by the Board of Tax Appeals that do not exceed twenty thousand dollars shall be paid in accordance with the provisions of Subsection B of this Section. ~~Provided that where such~~ If a claim accrues to more than one person, as for example, the heirs or legatees of another, and the claim is determined by the board to be properly due and owing, payment thereof to the party or parties asserting the same claim before the board shall not be denied because of the failure or refusal of others to join in and assert such the claim; but in such event however, only the portion due such the claimant or claimants shall be paid and then only if the amount to be paid to each such claimant does not exceed twenty thousand dollars.

* * *

C. When the board approves a claim against the state and the amount of the claim exceeds twenty thousand dollars but does not exceed two hundred fifty thousand dollars, the claim shall be submitted to the litigation subcommittee of the Joint Legislative Committee on the Budget for review prior to the next regular session of the legislature. If the claim is approved by the litigation subcommittee, the approved claim shall be paid out of current collections without interest following submission of the authorization to the secretary.

D. When the board has approved a claim against the state for erroneous payments of state taxes and the claim is not paid in full pursuant to this Section, is not paid pursuant to any provision of R.S. 47:1484, and or is not fully appropriated during the next regular session of the legislature following the date of the board’s approval, the secretary and the claimant may agree that the payment of the claim may be taken as a nonrefundable offset against the particular tax at issue. If this offset exceeds the amount of taxes due for the claimant, any unused amount may be carried forward against subsequent tax liability for the same tax for a period not to exceed five years. The provisions of this Subsection shall not apply when if the amount of the claim exceeds one million dollars.

Section 2. R.S. 47:1483(D) is hereby repealed.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 565

HOUSE BILL NO. 434
BY REPRESENTATIVES PHELPS AND JENKINS
AN ACT

To enact Children’s Code Article 896(H), relative to deferred dispositional agreements; to provide relative to eligibility; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Children's Code Article 896(H) is hereby enacted to read as follows:

Art. 896. Deferred dispositional agreement

* * *

H. Notwithstanding any provision of law to the contrary, a child shall not be eligible for a deferred dispositional agreement as provided in this Article if the child has been convicted of a crime of violence as defined in R.S. 14:2(B).

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 566

HOUSE BILL NO. 455
BY REPRESENTATIVE MINCEY
AN ACT

To amend and reenact R.S. 17:11(A), relative to approval of nonpublic schools; to provide for teacher qualifications; to provide for the powers and duties of the State Board of Elementary and Secondary Education; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:11(A) is hereby amended and reenacted to read as follows:

§11. Approval of nonpublic schools by board

A.(1) The board shall adopt standards and guidelines which shall be applied in determining whether a nonpublic school applying for approval meets the requirements of a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools.

(2) The board shall not adopt a standard or guideline that prohibits a nonpublic, parochial school or school board from hiring a teacher solely because the accreditation of the postsecondary education institution at which he completed his teacher education program is not a regional accreditation. Such a school or school board may hire a teacher who completed his teacher education program at a nationally accredited institution and who meets all other criteria provided in the standards and guidelines.

(3) The board shall appoint an advisory committee of nonpublic school representatives, who shall advise and counsel with the board relative to standards and guidelines affecting these schools. After initial approval the board shall periodically determine whether the nonpublic school is maintaining such quality and if not, shall discontinue approval of the school.

* * *

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 567

HOUSE BILL NO. 470
BY REPRESENTATIVE MCKNIGHT
AN ACT

To enact R.S. 17:3914(N), relative to personally identifiable information of public school students; to require the disclosure of social security numbers of certain students; to provide for the sharing of information with the Louisiana Workforce Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3914(N) is hereby enacted to read as follows:

§3914. Student information; privacy; legislative intent; definitions; prohibitions; parental access; penalties

* * *

N.(1) Notwithstanding any provision of this Section to the contrary, each public secondary school governing authority shall do the following:

(a) For the sole purpose of evaluating state and federal programs that prepare students for postsecondary education, workforce training, and employment, collect the social security number of each student who is pursuing a diploma, not later than the beginning of the student's senior year, subject to the permission of the student's parent or legal guardian or the permission of the student if he has reached the age of majority.

(b) Disclose the social security number to the company with which the state has contracted to develop unique student identifiers and the Louisiana Workforce Commission.

(c) At the beginning of each school year, provide a form for granting permission as provided in Subparagraph (a) of this Paragraph. The form shall include a statement that the purpose of the disclosure of the student's information is to evaluate and improve state and federal programs that prepare high school students for postsecondary education, workforce training, and employment; that other personally identifiable information will not be disclosed; and that the consent may be revoked at any time by a parent or legal guardian of a minor or by a student who has reached the age of majority.

(2) The company with which the state has contracted to develop the unique student identifier shall assign an identifier for each student who successfully completes high school from the lists provided by public school governing

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authorities and provide a list of unique identifiers and corresponding social security numbers to the commission for the purpose of matching the information, until the individual reaches the age of twenty-six, wage data, North American Industry Classification System data through the third digit, and Standard Occupational Classification System data.

(3) For the express purpose of state and federal program evaluation, the commission shall remove any and all social security numbers from the data and provide to the state Department of Education and the Industry-Based Certification Committee a list of high school graduates for whom the wage and employment data specified in Paragraph (2) of this Subsection are available.

(4) Any exchange of student information pursuant to the provisions of this Subsection shall comply with the Family Educational Rights and Privacy Act, 20 CFR Part 603 regarding the confidentiality of unemployment compensation information, and the provisions of R.S. 23:1660.

(5) Any agreement providing for the exchange of information pursuant to the provisions of this Subsection shall provide for the payment of any costs of disclosure of wage and employment data specified in Paragraph (2) of this Subsection.

(6) Any person who knowingly and willfully fails to maintain the confidentiality of personally identifiable information of students is subject to the penalties provided for in Subsection G of this Section and the provisions of R.S. 23:1660.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 568

HOUSE BILL NO. 508
BY REPRESENTATIVES GREGORY MILLER, ADAMS, BACALA, BAGLEY, CARRIER, CORMIER, COUSSAN, CREWS, DAVIS, DEVILLIER, ECHOLS, EDMONSTON, FARNUM, FISHER, FREEMAN, FREIBERG, GREEN, HARRIS, HILFERTY, HODGES, HORTON, HUGHES, ILLG, JENKINS, MIKE JOHNSON, LAFLEUR, LANDRY, NEWELL, CHARLES OWEN, ROBERT OWEN, PIERRE, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SELDERS, STAGNI, THOMPSON, VILLIO, AND WHITE
AN ACT

To amend and reenact R.S. 46:1844(N)(2), relative to notification of an inmate's release; to provide relative to notification for victims, family members of victims, persons who filed victim registration and notification forms, law enforcement agencies, and district attorneys; to provide relative to notification of the release of an inmate who has been convicted of a crime of violence or sex offense; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1844(N)(2) is hereby amended and reenacted to read as follows:

§1844. Basic rights for victim and witness

* * *

N.

* * *

(2)(a) Upon filing of a victim notice and registration form by a victim or a family member, or a witness, it shall be the duty of the Department of Public Safety and Corrections, corrections services, at the time of the appeal, discharge, or parole of an inmate including a juvenile inmate, to notify the victim, family member, or witness, all registered persons by certified mail or electronic communications of such appeal or release. Such form shall be included in the prisoner's commitment documents to be delivered to the warden of any state correctional facility where such prisoner has been committed or transferred.

(b) When an inmate who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 is eligible for release pursuant to R.S. 15:571.3, the Department of Public Safety and Corrections shall, if known by the department, notify the victim or the victim's family, all persons who have filed a victim registration and notification form, the appropriate law enforcement agency, and the appropriate district attorney no later than sixty days prior to the inmate's release.

(c) Notice by electronic communications shall be allowed only in instances where the registered person has opted-in to such form of notification during the registration process and is complete upon transmission.

* * *

Section 2. This Act shall be known and may be cited as the "Becnel Survivor Notification Act".

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 569

HOUSE BILL NO. 510
BY REPRESENTATIVE MINCEY AND SENATOR BARROW
AN ACT

To enact R.S. 17:420, relative to public school teachers; to provide relative to

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the effectiveness of requirements for training of professional teachers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:420 is hereby enacted to read as follows:

§420. Required teacher training

No requirement that increases the uncompensated training burden on professional teachers shall become effective. A requirement for additional teacher training shall become effective only if provision is made for teachers to receive the training at a time when they are being compensated and not participating in local professional development activities or the burden of the requirement is offset by the elimination of another training requirement completion of which requires at least the same amount of time as the additional requirement.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 570

HOUSE BILL NO. 523

BY REPRESENTATIVES LACOMBE AND ROMERO
AN ACT

To enact R.S. 26:309, relative to alcohol beverage control; to provide relative to brewing facilities; to authorize manufacturers or brewers to host contracted private events at brewing facilities; to provide for certain restrictions with respect to contracted private events at brewing facilities; to authorize manufacturers or brewers to charge certain fees for contracted private events at brewing facilities; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:309 is hereby enacted to read as follows:

§309. Licensed manufacturers or brewers; contracted private events

A. Notwithstanding any provision of law to the contrary, a manufacturer or brewer as defined in R.S. 26:241 may lease its facility to a person not licensed pursuant to this Chapter for no more than twelve contracted private events per year during which food and alcoholic beverages not produced at that licensed facility may be served to guests of the contracted private event by a caterer holding a permit issued pursuant to this Title if a copy of the lease is provided to the commissioner at least ten days prior to the event.

B. The manufacturer or brewer may charge a reasonable rental fee to the person not licensed pursuant to this Chapter for the contracted private event.

C. The manufacturer or brewer may serve to guests beer manufactured at that licensed facility. The brewer shall not charge the person not licensed pursuant to this Chapter more than its standard prices for such products.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 571

HOUSE BILL NO. 622

BY REPRESENTATIVE BEAULLIEU
AN ACT

To amend and reenact R.S. 23:1605(D) through (G) and to enact R.S. 23:1605(C) (5), (H), and (I), relative to unemployment compensation; to require the Louisiana Workforce Commission to conduct certain checks with respect to unemployment compensation; to require the recovery of overpayments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1605(D) through (G) are hereby amended and reenacted and R.S. 23:1605(C)(5), (H), and (I) are hereby enacted to read as follows:

§1605. Unemployment insurance integrity program

* * *

C. To ensure the integrity of the unemployment insurance program and to verify eligibility and to prevent fraudulent filing and payment of claims, the department is required to do all of the following:

* * *

(5) The department, on a weekly basis, shall check the unemployment insurance rolls against the Louisiana Department of Health state registrar and vital records' list of death records.

D. To ensure the integrity of the unemployment insurance program and to prevent the continuous payment of suspicious or potentially improper claims, the

department shall perform a review and verify the eligibility of the following claims:

(1) Multiple or duplicative claims that are filed online originating from the

same internet protocol address.

(2) Claims that are filed online from a foreign internet protocol address.

(3) Multiple or duplicative claims that are filed and associated with the same mailing address.

(4) Multiple or duplicative claims that are filed and associated with the same bank account.

D. E. When the department receives information concerning an individual who is participating in the unemployment compensation insurance program that indicates a change in circumstances that may affect his eligibility, the department shall review the individual's case and make a final determination of his eligibility in accordance with the provisions of R.S. 23:1600 and 1601.

E. F. Pursuant to the performance of all cross-match activities required by this Section, the Louisiana Workforce Commission shall provide to the legislature a report on or before June thirtieth annually. The report shall include all of the following:

(1) The department's rate of consistency in performing the weekly checks against the Integrity Data Hub or another commercially available database and the National Directory of New Hires.

(2) The type and amount of improper payments detected retroactively.

(3) The type and amount of improper payments prevented.

(4) The dollar amount the state has saved in preventing improper payments and, if any, in recouping improper payments.

G.(1) The department shall adopt and implement an internal administrative policy to recover improper overpayments to the fullest extent possible by state and federal law.

(2) The department shall, without exception, recover improper overpayments, unless doing so would violate existing state or federal law.

F. H. The department shall have the authority to execute a memorandum of understanding with any state department, agency, or division for data that is necessary to carry out the purposes of this Section.

G. I. The Louisiana Workforce Commission shall promulgate all rules and regulations necessary for the purposes of carrying out the provisions of this Section.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 572

HOUSE BILL NO. 671

BY REPRESENTATIVE EDMONDS
AN ACT

To amend and reenact R.S. 18:1373(A)(2), relative to preparation, testing, and adjusting of voting machine, to provide for notice of preparation of voting machines; to provide for review of test vote report; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1373(A)(2) is hereby amended and reenacted to read as follows:

§1373. Notice of preparation of machines for election; preparation of machines for election; testing and adjusting; examination by candidate or his representative; securing and sealing machines

A.

* * *

(2) The secretary of state shall prepare the voting machines for the election by placing them in order, inserting the proper ballots, and testing and adjusting the voting machines for the election. A test vote report shall be produced by each machine, and a signed certification of such testing shall be submitted to the parish board of election supervisors. In preparing the machines, the secretary of state shall lock out against use on each machine those vote indicators or devices that are not to be used at the election. In preparing and testing machines, the secretary of state shall use the mechanics and technicians authorized by R.S. 18:1353.

* * *

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 573

HOUSE BILL NO. 710

BY REPRESENTATIVE STEFANSKI
AN ACT

To amend and reenact R.S. 38:2225.2.4(B)(5)(introductory paragraph), (E), and (F)(4) and to enact R.S. 38:2225.2.4(B)(7) and (F)(2)(f) and (6), relative to the provisions of construction management at risk project delivery method; to provide for the "selection review committee" definition to include ranking proposers; to provide for the requirements of the selection review committee members; to provide for the procedures of the selection review committee; to provide for the requirements of the request for qualifications; to exempt the selection review committee meetings from the Open Meetings Law; to provide for the procedure of a nonresponsive construction management at

risk bid winner; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2225.2.4(B)(5)(introductory paragraph), (E), and (F)(4) are hereby amended and reenacted and R.S. 38:2225.2.4(B)(7) and (F)(2)(f) and (6) are hereby enacted to read as follows:

§2225.2.4. Construction management at risk; public entity

* * *

B.

* * *

(5) "Selection review committee" means the committee appointed by the owner to review the request for qualifications, score, or rank of the proposers, and recommend award to a construction management at risk contractor. The committee shall consist of no more than five individuals as follows:

* * *

(7) All selection review committee members shall be required to sign an ethics statement prior to commencement of any committee meeting.

* * *

E.(1) Prior to the selection committee conducting business, the owner, the owner's representative, or an assigned RFQ coordinator, shall inform the committee on the RFQ, the project, the scoring and ranking procedure, the conduct of the committee's responsibility and any particulars of the project.

(2) The owner shall select and contract with a design professional for design services in the manner provided for by law.

* * *

F.

* * *

(2) The RFQ shall include the following as well as any other pertinent information limited to the qualifications of a proposer that the owner determines a proposer may need to submit in a response to an RFQ:

* * *

(f) The estimate of the probable construction costs for the project.

* * *

(4) Within ninety days after the deadline for responses to the RFQ, a selection review committee chosen by the owner and identified in the RFQ shall make a written recommendation to the owner as to which proposer should be awarded the contract. The results of the selection review committee, inclusive of its findings, grading, score sheets, and recommendations, shall be available for review by all proposers and shall be deemed public records. The exceptions to the Open Meetings Law are applicable to the selection review committee meetings where individual proposers will be interviewed pursuant to R.S. 42:17(A)(10).

* * *

(6) If the owner deems the highest scored or ranked proposer to be non-responsive or non-responsible, then the public entity may award the project to the next highest scored or ranked proposer.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 574

HOUSE BILL NO. 783
BY REPRESENTATIVE DAVIS
AN ACT

To amend and reenact R.S. 8:1(introductory paragraph), (5), (8), (9), (11), and (13) through (40), 67, 70, 76(A) and (B), 78(D), 103, 105, 107, 122(A), 123(B) (introductory paragraph), 131(A), 131.1(A), 132.1(A), 133.1(A), 133.2(B) (introductory paragraph), 135.1(A), 135.2(B)(introductory paragraph), 141, 141.1(C), 141.3(B), (C), (E), and (F), 204, 302(A) through (C), 303, 305 through 307, 308(A) and (C), 311, 314, 316 through 401, 402(introductory paragraph), 403, 404, 407, 408, 411(introductory paragraph), 412(B)(2), 451, 453, 454.1(A), 455, 457 through 459, 459.1(A) and (B), 460, 461(B), 465(A)(1)(introductory paragraph), (b), and (c), (2), (4)(h), and (5)(d), (B), and (C), 501(A), 502(A)(1)(a) and (D), 502.2(introductory paragraph) and (5), 503, 504, 505, 505.2(introductory paragraph) and (3), 506(B) and (C)(1), 506.1(A), 507, 508, 601, 604, 605, 606(B), 653(B), 663(B), (C), (D)(2) and (4), (E)(introductory paragraph) and (1), (F)(3), and (G)(4), 673(introductory paragraph), 676(A)(6), (B), and (C), 680(A) and (C), 701 through 705, 706(C), 801, 802(B), (E), and (F), 803, 805 through 809, 813, 901, 902, 903(A) and (B), 903.1, 904, and 905(C) and to enact R.S. 8:1(41) through (44), relative to providing technical corrections for Title 8 of the Louisiana Revised Statutes of 1950; to provide for technical corrections; to provide for standardization of language; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 8:1(introductory paragraph), (5), (8), (9), (11), and (13) through (40), 67, 70, 76(A) and (B), 78(D), 103, 105, 107, 122(A), 123(B)(introductory paragraph), 131(A), 131.1(A), 132.1(A), 133.1(A), 133.2(B)(introductory paragraph), 135.1(A), 135.2(B)(introductory paragraph), 141, 141.1(C), 141.3(B), (C), (E), and (F), 204, 302(A) through (C), 303, 305 through 307, 308(A) and (C), 311, 314, 316 through 401, 402(introductory paragraph), 403, 404, 407, 408, 411(introductory paragraph), 412(B)(2), 451, 453, 454.1(A), 455, 457 through 459, 459.1(A) and (B), 460, 461(B), 465(A)(1)(introductory paragraph), (b), and (c), (2), (4)(h), and (5)(d), (B), and (C), 501(A), 502(A)(1)(a) and (D), 502.2(introductory paragraph) and (5), 503, 504, 505, 505.2(introductory paragraph) and (3), 506(B) and (C)(1), 506.1(A), 507, 508, 601, 604, 605, 606(B), 653(B), 663(B), (C), (D)(2) and

THE ADVOCATE
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* As it appears in the enrolled bill

(4), (E)(introductory paragraph) and (1), (F)(3), and (G)(4), 673(introductory paragraph), 676(A)(6), (B), and (C), 680(A) and (C), 701 through 705, 706(C), 801, 802(B), (E), and (F), 803, 805 through 809, 813, 901, 902, 903(A) and (B), 903.1, 904, and 905(C) are hereby amended and reenacted and R.S. 8:1(41) through (44) are hereby enacted to read as follows:

§1. Definitions

As used in this Title, the following words and phrases, terms have the following meanings unless the context otherwise clearly indicates otherwise, shall have the meaning hereinafter ascribed to each:

* * *

(5) "Care", "endowed care", or "perpetual care" means the maintenance, repair, and care of all places where interments have been or are to be made, including the improvements thereon made upon the places, in keeping with a well maintained cemetery, and general overhead expense necessary for such purposes.

* * *

(8) "Cemetery authority" means any person, firm, corporation, limited liability company, trustee, partnership, association, or municipality owning, operating, controlling, or managing a cemetery or holding lands within this state for interment purposes.

(9) "Cemetery business" and "cemetery purposes" mean any and all business and purposes requisite to, necessary for, or incident to establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of a cemetery.

* * *

(11) "Cemetery sales organization" means any legal entity contracting as an independent contractor with a cemetery authority to conduct sales of one or more cemetery spaces, whether by deed, servitude, grant of right to use or otherwise, and/or cemetery products. It "Cemetery sales organization" does not mean any of the following:

(a) individual salesmen or sales managers employed by and contracting directly with cemetery authorities operating under in accordance with this law;

~~(b) nor does it mean funeral establishments or funeral directors operating under licenses authorized by R.S. 37:831 et seq., when dealing directly with a cemetery authority, with members of the family of a deceased person or other persons authorized by law to arrange for the funeral and/or or interment of such deceased human being;~~

~~(c) or with an individual negotiating the sale of cemetery property as a part of his or her pre-need arrangements under in accordance with Chapter 6 hereof of this Title.~~

* * *

(13) "Columbarium" means a building, or a structure, room, or other space in a building or structure containing niches for permanent inurnment of cremated remains in a place used or intended to be used, and dedicated, for cemetery purposes.

(14) "Community cemetery" means a cemetery owned, operated, controlled, or managed by any association or organization; in which the sale of lots, graves, crypts, vaults, or niches is restricted principally to individuals within a community.

~~(14.1) (15) "Corporation" means any corporation or limited liability company now or hereafter organized, which is or may be authorized by its articles or an operating agreement to conduct any one or more of the businesses of a cemetery.~~

~~(15) (16) "Cremated remains" means human remains after cremation in a crematory.~~

~~(16) (17) "Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory.~~

~~(17) (18) "Crematory" means a building or structure containing one or more retorts for the reduction of bodies of deceased persons to cremated remains.~~

~~(18) (19) "Crematory and columbarium" means a building or structure containing both a crematory and columbarium.~~

~~(19) (20) "Crypt" or "vault" means a space in a mausoleum of sufficient size, used or intended to be used, to entomb human remains.~~

~~(20) (21) "Directors" means the board of directors, board of trustees, or other governing body of a cemetery authority, cemetery sales organization, or cemetery management organization.~~

~~(20.1) (22) "Disposition" means the interment, burial, cremation, or anatomical donation of the body of a deceased person or parts of the body of a deceased person. Disposition shall not include any prohibited act under pursuant to Part I of Chapter 12 of Title 17 of the Louisiana Revised Statutes of 1950, the Louisiana Anatomical Gift Act, the Louisiana Unmarked Human Burial Sites Preservation Act, or the Louisiana Historic Cemetery Preservation Act.~~

~~(21) (23) "Entombment" means the placement of human remains in a mausoleum.~~

~~(22) (24) "Family burial ground" means a cemetery in which no lots are sold to the public and in which interments are restricted to a group of persons related to each other by blood or marriage.~~

~~(22.1) (25) "Force majeure" means any of the following circumstances:~~

~~(a) A major storm, major flood, or other similar natural disaster.~~

~~(b) A major accident beyond the cemetery authority's control and not ultimately found to be the fault of the cemetery authority.~~

~~(c) The delay by the federal government or any of its agencies, or the state or any of its agencies or political subdivisions, in granting necessary permits.~~

~~(d) A valid order of any federal or state court of competent jurisdiction that~~

CODING: Words in struck through type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.

prevents the timely completion of a project.

~~(23)~~ **(26)** "Fraternal cemetery" means a cemetery owned, operated, controlled, or managed by any fraternal organization or auxiliary organization thereof, in which the sale of lots, graves, crypts, vaults, or niches is restricted principally to its members.

~~(24)~~ **(27)** "Grave" means a space of ground in a cemetery, used or intended to be used, for burial.

~~(25)~~ **(28)** "Human remains" means the body of a deceased person and includes the body in any stage of decomposition, as well as cremated remains.

~~(26)~~ **(29)** "Interment" means the disposition of human remains by inurnment, scattering, entombment, or burial in a place used or intended to be used, and dedicated, for cemetery purposes.

~~(27)~~ **(30)** "Inurnment" means placing cremated remains in an urn or other suitable container and placing it in a niche, crypt, or vault in a place used or intended to be used, and dedicated, for cemetery purposes.

~~(28)~~ **(31)** "Lawn crypts" means space for interment in preplaced chambers, or burial vaults, either side by side or multiple depth, covered by earth ~~and/or~~ or sod and known also as below-ground crypts, ~~westminster Westminster~~ crypts, or turf top crypts.

~~(29)~~ **(32)** "Lot" or "plot" means land in a cemetery used or intended to be used for the interment of human remains within a grave, mausoleum, ~~lawn crypt, or lawn crypt~~ or columbarium.

~~(30)~~ **(33)** "Mausoleum" or "tomb" means a structure or building for the entombment of human remains in crypts or vaults in a place used or intended to be used, and dedicated, for cemetery purposes.

~~(31)~~ **(34)** "Municipal cemetery" means a cemetery owned, operated, controlled, or managed by a municipality or other political subdivision of the state, or instrumentality thereof authorized by law to own, operate, or manage a cemetery.

~~(32)~~ **(35)** "Niche" means a space in a columbarium used or intended to be used for inurnment of cremated human remains.

~~(33)~~ **(36)** "Owner" means a person to whom the cemetery authority has transferred full title to or the right of use of ~~and/or~~ or interment in any cemetery space and who appears as the title holder in the official records of the cemetery authority.

~~(34)~~ **(37)** "Perpetual care cemetery" or "endowed care cemetery" means a cemetery wherein lots and other interment spaces are sold or transferred under the representation that the cemetery will receive perpetual or endowed care.

~~(35)~~ **(38)** "Person" means an individual, corporation, limited liability company, partnership, joint venture, association, trust, or any other legal entity.

~~(36)~~ **(39)** "Privately owned cemetery" means any cemetery except a fraternal, municipal, or religious cemetery, or a family burial ground.

~~(36.1)~~ **(40)** "Rearrangement" or "reuse" means the act of removing and disposing of a previously interred casket and the gathering and placing of human remains in an alternative container within the same cemetery space in order to accommodate additional interments.

~~(37)~~ **(41)** "Religious cemetery" means a cemetery that is owned, operated, controlled, or managed by a recognized church, religious society, association, or denomination, or by a cemetery authority or a corporation administering or through which is administered the temporalities of any recognized church, religious society, association, or denomination.

~~(38)~~ **(42)** "Sale" means the sale of the full title to any cemetery space or the sale of the right of use of ~~and/or~~ or interment in any cemetery space.

~~(39)~~ **(43)** "Temporary receiving vault" means a cemetery space used or intended to be used for the temporary placement of human remains.

~~(40)~~ **(44)** "Trustee" means the separate legal entity designated as trustee of a cemetery care fund.

* * *

§67. Rules and regulations

The board may establish necessary rules and regulations for the administration and enforcement of this ~~title~~ Title and prescribe the form of statements and reports provided for ~~herein~~ in this Title, but such rules and regulations shall not be in conflict with or contrary to any of the provisions of this ~~title~~ Title or of R.S. 49:951, et seq.

* * *

§70. Application for certificate of authority

The initial application for a certificate of authority, including without limitation an application for a new certificate required by R.S. 8:76, shall be made in writing by a cemetery authority to the board on a form prescribed by the board, accompanied by an application fee set by the board not to exceed one thousand dollars. Applications for renewal of a valid, subsisting, and unsuspended certificate of authority shall be made in similar fashion, accompanied by the regulatory charge provided for in this Title. All initial applications ~~must~~ shall show that the cemetery authority owns or is actively operating a cemetery which is subject to the provisions of this Title.

* * *

§76. Sale or transfer of cemetery authority; application for new certificate of authority; compliance required; late charge

A. Within thirty days after the sale or transfer of ownership or control of a cemetery or cemetery authority, the transferor ~~must~~ shall return its certificate of authority to the board. The transferee ~~must~~ shall file an application, within thirty days, after the sale or transfer of ownership or control of a cemetery authority, and meet all the requirements of this Chapter. The application for a certificate of authority shall be accompanied by the prescribed regulatory

charge.

B. Transferees ~~which~~ who fail to file an application for a certificate of authority at the time required ~~herein~~ in Subsection A of this Section shall, in addition to the prescribed regulatory charge, pay an additional late charge of fifty percent of the prescribed regulatory charge or one hundred dollars, whichever is lesser.

* * *

§78. Exemptions; exempt certificates of authority; renewal; fees

* * *

D. Notwithstanding the provisions of this Section, every cemetery authority or person, ~~hereinafter referred to~~ in this Subsection referred to as the "applicant", seeking to be identified as a cemetery or columbarium facility that is exempt pursuant to the provisions of this Section, shall provide the board such proof as the board deems necessary to determine whether an applicant meets the qualifications for exemption. If the board determines that an applicant is qualified for exemption, the applicant shall apply for an exempt certificate of authority on a form prescribed by the board, accompanied by an application fee of two hundred fifty dollars to cover the board's reasonable and ordinary expenses associated with determining whether the applicant is in compliance with applicable provisions of this Title.

* * *

§103. Anticipation of revenues; bonds or certificates; taxes

In order to provide a site or grounds and additions thereto and to provide and maintain streets, curbs, aisles, walkways, outside fences, drainage, and any building that may be needed for the use of a sexton or caretaker, as well as any electrical illumination needed, and to provide for the employment of a sexton or caretaker and the cutting of grass and the acquisition of and planting and care of trees, shrubbery, and flowers, the governing authority of the municipality may either anticipate the revenues of the municipality or issue bonds or certificates ~~based thereon~~ as provided by law, or submit to the taxpayers at a special election to be called and held in the municipality by the governing authority, pursuant to the law, to vote negotiable bonds, within the limitations authorized by law, for any of the above purposes, and thereafter levy and collect taxes and pay and retire the bonds authorized at the election.

* * *

§105. Maximum tax; use of proceeds

The special election ~~called in accordance with the provisions of R.S. 8:103 and 104~~ may be for a sum not in excess of one mill on the dollar assessment on all ~~real~~ immovable property subject to taxation, and may be held under the election laws relative to voting special taxes. It shall not be necessary to fund the revenues into bonds, but revenues may be spent as received for the purposes ~~herein~~ set forth in this Chapter.

* * *

§107. Gifts, donations and contributions

The municipal governing authority may accept gifts for purposes of establishing ~~and/or~~ or maintaining a public cemetery, provided there is no condition thereto inconsistent with the purposes ~~herein~~ set forth in this Chapter.

* * *

§122. Board, qualification of members; appointment; vacancies; removal of members; officers

A. The St. Mary Parish Cemetery District shall be governed by a board of five commissioners, ~~hereinafter referred to~~ in this Chapter as the board, who shall be qualified voters and residents of the district and who shall serve without compensation. The board shall be appointed by the parish governing authority, one member to be from each of the following: the unincorporated area of Police Jury District 3, that part of Police Jury District 5 lying outside of 1980 Census Enumeration Districts 150T, 150U, and 151, the municipalities of Berwick and Morgan City, and the area of Bayou Vista. Three of the initial commissioners ~~so~~ appointed shall serve for two years, two for four years, and one for five years.

* * *

§123. Corporate status; purpose; powers and duties

* * *

B. The district, through its board of commissioners, ~~is hereby granted and shall have~~ and may exercise all powers necessary or convenient for carrying out its purposes, including; but not limited to the following:

* * *

§131. Rapides Parish Cemetery District; creation; location

A. The Rapides Parish Police Jury is hereby authorized to create the Rapides Parish Cemetery District, ~~hereinafter referred to~~ in this Chapter as the "district", to be composed of that part of Rapides Parish located outside the incorporated municipalities of the parish. The objective and purpose of the district shall be the preservation and restoration of ancestral resting places; and abandoned or historic cemeteries, thereby preserving heritage and encouraging tourism.

* * *

§131.1. Board of commissioners; membership; appointment; vacancies; removal of members; officers

A. The Rapides Parish Cemetery District shall be governed by a board of nine commissioners, ~~hereinafter referred to~~ in this Chapter as the board, who shall be qualified voters and residents of the district and who shall serve without compensation. The police jury shall appoint one commissioner from each of the police jury districts. Three of the initial commissioners ~~so~~ appointed shall serve for two years, three for three years, and three for four

years.

* * *

§132.1. Board, qualification of members; appointment; vacancies; removal of members; officers

A. The Grant Parish Cemetery District shall be governed by a board of five commissioners, hereinafter referred to in this Chapter as the "board", who shall be registered voters and residents of Grant Parish and who shall serve without compensation. The board shall be appointed by the governing authority of Grant Parish. Two of the initial commissioners so appointed shall serve for two years, two for four years, and one for five years.

* * *

§133.1. Board, qualification of members; appointment; vacancies; removal of members; officers

A. The LaSalle Parish Cemetery District shall be governed by a board of five commissioners, hereinafter referred to in this Chapter as the "board", who shall be registered voters and residents of LaSalle Parish and who shall serve without compensation. The board shall be appointed by the governing authority of LaSalle Parish. Two of the initial commissioners so appointed shall serve for two years, two for four years, and one for five years.

* * *

§133.2. Corporate status; powers and duties

* * *

B. The district, through its board of commissioners, is hereby granted and shall have and may exercise all powers necessary or convenient for carrying out its purposes, including but not limited to the following:

* * *

§135.1. Board, qualification of members; appointment; vacancies; removal of members; officers

A. The Sweet Lake - Grand Lake Community Cemetery District shall be governed by a board of five commissioners, hereinafter referred to in this Chapter as the "board", who shall be qualified voters and residents of the district and who shall serve without compensation. The board shall be appointed by the governing authority of Cameron Parish. Two of the initial commissioners so appointed shall serve for two years, two for four years, and one for five years.

* * *

§135.2. Corporate status; powers and duties

* * *

B. The district, through its board of commissioners, is hereby granted and shall have and may exercise all powers necessary or convenient for carrying out its purposes, including but not limited to the following:

* * *

§141. St. Landry Parish Cemetery District; creation; boundaries; purpose

The governing authority of St. Landry Parish is hereby authorized to create the St. Landry Parish Cemetery District, hereinafter referred to in this Chapter as the "district", the boundaries of which shall be coterminous with the boundaries of St. Landry Parish. The objective and purpose of the district created under in accordance with the provisions of this Chapter shall be the acquisition, establishment, operation, and maintenance of one or more public cemeteries within the district.

§141.1. Board; qualification of members; appointment; vacancies; officers

* * *

C. The commission shall be governed by a board of commissioners and shall be known as the Board of Commissioners of _____ District Cemetery Commission of St. Landry Parish, hereinafter referred to in this Chapter as the "board".

* * *

§141.3. District as a political subdivision; election imposing taxes, maximum tax; authority

* * *

B. The board shall have the power to levy and collect, within said the boundaries of a district, an ad valorem tax not exceeding one mill on the dollar of assessed valuation on all immovable property in the district, for a period not to exceed ten years, as authorized by R.S. 33:2740.1.

C. The imposition, collection, and enforcement of the tax and any procedural details necessary to be established to supplement the provisions of this Section and to make provisions applicable to the tax imposed hereunder in Subsection B of this Section shall be fixed by the resolution of the commission. The commission shall have the authority to contract with the sheriff, the Department of Revenue, or any other agency or political subdivision for the collection of the tax.

* * *

E. The tax shall be adopted by a commission only after the question of the imposition of such tax and the funding thereof into bonds under pursuant to the provisions of this Section shall have been submitted to the qualified electors within the boundaries of such district at an election to be called, conducted, canvassed, and promulgated by the governing authority of such district in accordance with the general laws of the state governing the authorization of general obligation bonds and the majority of the qualified electors voting in such election shall have voted in favor of such additional tax and the funding thereof into bonds.

F. The resolution imposing any tax hereunder in Subsection B of this Section, or amendments hereto, shall specify that the avails or proceeds of the tax after payment of collection costs shall be used solely by such commission for the maintenance of all areas that fall under the heading of Public Cemetery. The proposition approved at said the election shall constitute a full and complete

* As it appears in the enrolled bill

dedication of the avails or proceeds of said the tax and its provisions shall control the allocation and expenditure thereof.

* * *

§204. Specific powers; rule making and enforcement

A cemetery authority may make, adopt, amend, add to, revise, repeal, or modify, and enforce rules and regulations for the use, care, control, management, restriction, and protection of all or any part of its cemetery, including without limitation the following:

(1) It may restrict and limit the use of all property within its cemetery;

(2) It may regulate the uniformity, class, and kind of all markers, monuments and other structures within the cemetery and its subdivisions;

(3) It may regulate or prohibit the erection and/or or installation of monuments, markers, effigies, structures, and foundations within the cemetery;

(4) It may regulate or prevent the introduction or care of plants or shrubs within the cemetery;

(5) It may prevent interment in any part of the cemetery of human remains not entitled to interment and prevent the use of interment spaces for purposes violative of its restrictions or rules and regulations;

(6) It may regulate the conduct of persons and prevent improper assemblages in the cemetery; and,

(7) It may make and enforce rules and regulations for all other purposes deemed necessary by the cemetery authority for the proper conduct of the business of the cemetery, for the transfer of any interment space or the right of interment, and the protection and safeguarding of the premises, and the principles, plans, and ideals on which the cemetery is conducted.

* * *

§302. Surveys and maps

A. Every cemetery authority from time to time as its property is developed for cemetery purposes shall, in the case of land, survey and subdivide it into sections, blocks, plots, avenues, walks, or other subdivisions, and make a good and substantial map or plat showing the sections, plots, avenues, walks, or other subdivisions, with descriptive names or numbers. In the case of a mausoleum or a columbarium, it shall make a good and substantial map or plat on which shall be delineated the sections, halls, rooms, corridors, elevations, and other divisions, with descriptive names or numbers.

B. The preparation and use of any survey, map, or plat hereinabove contemplated required by Subsection A of this Section shall not constitute the dedication of the property depicted thereon solely for cemetery purposes, until and unless such property is actually used for said those purposes. Accordingly, each such survey, map, or plat may include undeveloped areas which may be marked "reserved for future development" and, when so marked, said those areas, when subsequently developed and used for cemetery purposes shall be considered dedicated for such purposes, but if such areas are not to be used for cemetery purposes, the cemetery authority shall have the right to use such areas for any other lawful purposes.

C. Copies of such surveys, maps, or plats shall be available for inspection by any interested party at the office of the cemetery authority.

* * *

§303. Maps and plats; amendment

Any part or subdivision of the property as shown in the survey, map, or plat referred to in R.S. 8:301 may, by order of the directors of the cemetery authority, be resurveyed and altered in shape and size and an amended survey, map, or plat may be prepared so long as such change does not disturb the interred remains of any deceased person. Said The amended survey, map, or plat shall be available for inspection as hereinabove provided in R.S. 8:302(C).

* * *

§305. Rule against perpetuities, etc., inapplicable

Dedication to cemetery purposes pursuant to this title Title is not invalid as violating any laws against perpetuities or the suspension of the power of alienation of title to or use of property but is expressly permitted and shall be deemed considered to be in respect for the dead, a provision for the interment of human remains, and a duty to and for the benefit of the general public.

§306. Removal of dedication; procedure

A. Legislative intent. The following is the intent of the legislature:

(1) That the protection of unmarked human burial sites has been entrusted to the Louisiana Division of Archaeology Department of Culture, Recreation and Tourism, division of archaeology and the attorney general.

(2) Notice of a judicial proceeding shall be given to the Louisiana Division of Archaeology Department of Culture, Recreation and Tourism, division of archaeology and the attorney general in an action to cause the cemetery's dedication protection to be removed.

B. Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes unless and until the dedication is removed from all or any part of it by judgment of the district court of the parish in which the property is situated in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing to the board, and by publication as hereinafter provided in R.S. 8:307, and proof satisfactory to the court:

(1) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed; and,

(2) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

C. When a petition is filed in court pursuant to Subsection B of this Section, a copy of the petition shall be served upon the Louisiana Division

of Archaeology Department of Culture, Recreation and Tourism, division of archaeology and the attorney general.

D.(1) ~~The board or Louisiana Division of Archaeology Department of Culture, Recreation and Tourism, division of archaeology shall have the right to intervene in any action filed pursuant to Subsection B of this Section.~~

(2) ~~The attorney general may represent the board or the Louisiana Division of Archaeology Department of Culture, Recreation and Tourism, division of archaeology in any action filed pursuant to Subsection B of this Section.~~

§307. Notice of hearing

The notice of hearing by publication provided in R.S. 8:306 shall be given by publication once a week for at least three consecutive weeks in a newspaper of general circulation in the parish where the cemetery is located and the posting of copies of the notice in three conspicuous places on that portion of the property from which the dedication is to be removed. ~~Said The~~ notice shall:

(1) ~~describe~~ Describe the portion of the cemetery property sought to be removed from dedication;

(2) ~~state~~ State that all remains have been removed or that no interments have been made in the portion of the cemetery property sought to be removed from dedication; ~~and~~

(3) ~~specify~~ Specify the time and place of hearing.

§308. Sale of cemetery spaces; abandoned spaces; defined; sale of abandoned spaces

A. After completing the map or plat, a cemetery authority may sell and convey interment spaces, subject to such rules and regulations ~~as may be then in effect or thereafter~~ adopted by the cemetery authority, and subject to such other limitations, conditions, and restrictions as may be ~~inserted~~ included in the instrument of conveyance of such cemetery spaces.

* * *

C.(1) Interment space shall be deemed to have been abandoned when one of the following occurs:

~~(1) after a (a) A cemetery authority shall have been unable after diligent efforts for twenty-five years to locate any of the owners or their successors or heirs after diligent efforts for twenty-five years, or;~~

~~(2) in (b) In the event such interment space is no longer fit for human burial, there has been no interment in the preceding twenty-five years and the cemetery authority shall have been unable, after diligent efforts for one year, to locate any of the owners or their successors or heirs to provide care, maintenance, or repairs for an interment space after diligent efforts for one year.~~

~~(2) A cemetery authority shall be deemed to have made diligent efforts to locate the owners or their successors or heirs of an interment space for a specified period of time if such authority:~~

~~(1) has (a) Has advertised a notice stating that such authority proposes to acquire such interment space pursuant to this Section, which notice shall be advertised;~~

~~(a) in (i) In the case of the twenty-five year twenty-five-year period; provided herein~~

~~(i) once (aa) Once a year in each of the first twenty-four years of such period,; and~~

~~(ii) once (bb) Once a month during the last year of such twenty-five year twenty-five-year period,; and~~

~~(b) in (ii) In the case of the one year one-year period, provided herein, once a month during such one year one-year period,;~~

~~(2) has (b) Has posted a notice on the space to the same effect as that specified in clause (1) of this sentence, Subparagraph (a) of this Paragraph, once a month during the last year of either of such periods of time; and (3) has mailed a registered/certified registered or certified letter to the last known owners of said the interment space; which letter shall contain a notice to the same effect as that specified in clause (1) of this statement Subparagraph (a) of this Paragraph; provided, however, that the requirement requirements of clause (3) of this sentence this Subparagraph shall not be applicable to the extent that the records of the cemetery authority acting pursuant to this Section do not contain the name and address of any owner of said the interment space, or~~

~~(4) be (c) If the cemetery authority is determined by a court of competent jurisdiction to have exercised diligent efforts to locate the owners; provided, however, that prior to the initiation of any such legal action the cemetery authority has conformed with the requirements of the one year one-year period of monthly advertisements, postings, and mailings as provided hereinabove in Subparagraph (a) of this Paragraph and evidence of such notices has been exhibited to the court.~~

* * *

§311. Commission on sales prohibited

It shall be unlawful for a cemetery authority, directly or indirectly, to pay or offer to pay to any person, firm, or corporation not licensed ~~under this title pursuant to this Title, a commission or bonus or rebate commission, bonus, rebate,~~ or other thing of value for the sale of an interment space. This shall not apply to a person employed by the cemetery authority to make such sales.

* * *

§314. Record of ownership and transfers

A record shall be kept by each cemetery authority of the ownership of each interment space in the cemetery conveyed by ~~it the cemetery authority~~ and of all transfers ~~thereof~~ made of each interment space. No transfer of any interment space ~~heretofore or hereafter~~ made, or of any right of interment, shall be complete or effective until actually recorded in the official records

of the cemetery authority.

* * *

§316. Opening of roads, railroads through cemetery; consent required, exception

After dedication pursuant to this title Title, and as long as the property remains dedicated to cemetery purposes, no railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall be laid out, through, over, or across any part of it without the consent of the cemetery authority owning and operating it. If ~~said the~~ cemetery authority is not in existence or not operating, then the consent of not less than two-thirds of the owners of interment spaces shall be required.

§317. Certain cemetery lands exempt from taxes

Property dedicated for cemetery purposes, including cemetery spaces and the land on which they stand, shall be exempt from all taxation to the fullest extent permitted by the ~~constitution~~ Constitution of Louisiana and laws of this state.

§401. License to engage in business

No person shall engage in the business of a cemetery sales organization or a cemetery management organization except as authorized by this title Title and without first obtaining a license from the board.

§402. Application for license

Any person wishing to establish and operate the business of a cemetery sales organization or a cemetery management organization ~~must~~ shall operate as a corporation as required by R.S. 8:201 and shall file with the board a written application for a license to operate. The application shall be on a form issued by the board which shall require, ~~as at~~ at a minimum, that the documents and information submitted to the board shall include:

* * *

§403. Application fee; annual fee

The application shall be accompanied by an initial filing fee of two hundred fifty dollars for each cemetery sales organization and each cemetery management organization. An annual fee of a like amount shall be paid. If ninety percent or more of the applicant is owned by an existing cemetery authority operating ~~under pursuant to~~ the provisions of this Title, the initial filing fee, as well as the annual fee, shall be one-half of the sums set out ~~herein in this Section.~~

§404. Investigation by board

Upon receipt of an application, together with the filing fee, the board shall cause an investigation to be made, prior to approval of an applicant, to determine ~~each of~~ the following:

(1) The legal entity that is to conduct the business of applicant and if ~~said the~~ the

entity is a foreign corporation, whether or not it is qualified to do business in Louisiana; ~~and.~~

(2) The identity of the principal owners, principal stockholders, and of all directors and officers, and the ability, experience, financial stability, and integrity of each of ~~said the~~ parties to conduct the business stated in the application.

* * *

§407. Sale or transfer of cemetery sales or cemetery management organization; application for new license; compliance required

Within ten days after the sale or transfer of ownership or control of a cemetery sales or management organization, the transferor organization ~~must~~ shall return its license to the board. The transferee, within ten days, ~~must~~ shall apply for a new license and meet all the requirements of this Chapter. Upon the filing of a completed application, the transferee may operate the business until its application is acted upon by the board.

§408. Penalties

Any person, cemetery sales organization, or cemetery management organization violating the provisions of this ~~chapter~~ Chapter shall be guilty of a misdemeanor punishable by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment of not less than thirty days nor more than one year, or both, and shall be subject to revocation of his or its license to operate.

§411. Definitions

As used in this Chapter, the following terms have the following meanings ~~hereinafter ascribed to them:~~

* * *

§412. Application for license; qualifications; fees

* * *

B.

* * *

(2) Nothing ~~herein in this Section~~ shall restrict a licensee from paying necessary expenses and maintenance costs to contractors.

* * *

§451. Corporate operation

It shall be unlawful to operate a perpetual or endowed care cemetery in this state except by means of a corporation organized ~~under in accordance with~~ the laws of this state. This Section, however, shall not apply to any person, firm, or corporation which, prior to August 1, 1962, owned and operated a cemetery in which ~~said the~~ persons, firm, or corporation had sold or contracted to sell interment spaces with a provision for perpetual or endowed care, if ~~said the~~ person, firm, or corporation has complied with the provisions of R.S. 8:457.

* * *

§453. Cemeteries in existence on August 1, 1962; acts prohibited

No owner of a cemetery in existence on August 1, 1962, who previously to

such date has not sold or contracted to sell any interment space in ~~said the~~ cemetery with a provision for perpetual or endowed care shall thereafter advertise or otherwise hold out to the public that ~~said the~~ cemetery or any individual interment space therein is entitled to perpetual or endowed care unless the owner has established a trust fund for perpetual or endowed care as provided by this ~~chapter~~ Chapter.

* * *

§454.1. Administration of trust funds; maintenance; exemption from seizure

A. The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the care of those portions of the cemetery in which interment spaces have been sold with a provision for perpetual or endowed care. It is the intent of this Section that the income of ~~said the~~ fund shall be used solely for the care of interment spaces sold with a provision for perpetual or endowed care and for the care of other portions of the cemetery immediately surrounding ~~said the~~ spaces as may be necessary to preserve the beauty and dignity of the spaces sold. The fund or its income shall never be used for the development, improvement, or embellishment of unsold portions of the cemetery so as to relieve the cemetery authority of the ordinary cost incurred in preparing such property for sale.

* * *

§455. Annual report by cemeteries

All cemeteries subject to the provisions of this ~~chapter~~ Chapter shall file with the trustee, as defined ~~herein~~ in this Chapter, not later than ninety days after the close of the business year, a report setting forth the volume and the gross selling price of sales upon which a deposit with the trustee is required by this ~~chapter~~ Chapter.

* * *

§457. Application of Chapter

A. Any cemetery in existence on August 1, 1962, which, prior to such date, sold or contracted to sell interment spaces with a provision for perpetual or endowed care, qualifies for the exceptions set forth in this Chapter if the owner of ~~said the~~ cemetery filed in the office of the recorder of mortgages for the parish in which ~~said the~~ cemetery is located, a sworn affidavit executed by ~~said the~~ owner, or its principal officer, setting forth all of the following:

(1) That a care fund was in existence for ~~said the~~ cemetery, the principal of which was equal to a minimum of ten percent of the gross sales of interment spaces made by ~~said the~~ cemetery since its inception or since January 1, 1961, whichever date is later.

(2) The nature and character of the assets comprising such care fund.

(3) The name of the financial institution or trustees or other entity which had custody and control of such fund.

B. A like affidavit shall be filed with the board at the end of each fiscal year thereafter for the operation of such cemetery.

C. No cemetery in existence on August 1, 1962, which prior to such date had sold or contracted to sell lots in ~~said the~~ cemetery with a provision for perpetual or endowed care shall ~~thereafter~~ continue to operate as a perpetual or endowed care cemetery without having filed and without ~~hereafter~~ filing the affidavits required by this ~~section~~ Section. However, an affidavit filed by a cemetery before July 31, 1974, and recorded in the mortgage records of the parish of its domicile, setting forth that the perpetual care or endowed care fund has been properly and continually maintained since January 1, 1961, shall be considered conclusive proof that the provisions of this ~~section~~ Section have been complied with and shall place ~~said the~~ cemetery authority within the excepted cemeteries.

§458. Prohibited acts; injunctions

No person or cemetery authority shall offer for sale or sell any interment space in any cemetery with a provision for perpetual or endowed care, or in any manner represent, advertise, or hold out to the public that ~~said the~~ cemetery, or any portion thereof, is entitled to perpetual or endowed care unless ~~and until~~ such person or authority has complied with the provisions of this Chapter. The board may institute legal proceedings to enjoin any person or cemetery authority from violating the provisions of this Section.

§459. Cemeteries exempt

The provisions of this ~~chapter~~ Chapter shall not apply to any family burial ground or religious, fraternal, municipal, state, or federal cemetery.

§459.1. Trust fund transfers

A. The provisions of R.S. 8:459 notwithstanding, whenever the ownership or management of a cemetery is transferred and by virtue of such transfer becomes a family burial ground or a religious, fraternal, municipal, state, or federal cemetery, the existing perpetual care trust fund of such transferred cemetery shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the upkeep and maintenance of ~~said the~~ cemetery.

B. The trustee of any such perpetual care trust fund shall be a federally insured financial institution or trust company located in Louisiana and authorized to exercise trust or fiduciary powers ~~under~~ in accordance with the laws of Louisiana or the United States.

* * *

§460. Penalties

Whoever violates any of the provisions of this ~~chapter~~ Chapter, shall, upon conviction, be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

§461. Examination of endowment funds; expenses

* * *

B. The expense of the examination as provided ~~herein~~ in Subsection A

of this Section shall not exceed two hundred fifty dollars per day for each examiner engaged in the examination, but when the examination requires more than two days, the cost shall be paid by the cemetery authority in an amount not to exceed a total of five hundred dollars, unless irregularities are found, in which case the cemetery authority shall pay the full cost of the examination. The examination shall be privately conducted in the principal office of the cemetery authority or trustee.

* * *

§465. Order requiring reinvestment in compliance with law; actions for preservation and protection

A. All funds held in trust for perpetual care purposes shall be administered by the trustee with such skill and care as a man of ordinary prudence, discretion, and intelligence would exercise in the management of his own affairs, not in regard to speculation but in regard to the permanent disposition of his funds, considering the probable income as well as the probable safety of his capital, subject to the following restrictions:

(1) No such funds shall ~~hereafter~~, directly or indirectly, be loaned to or invested with any of the following:

* * *

(b) Any trustee of ~~said the~~ funds.

(c) Anyone related by blood, adoption, or marriage to any individuals included in Subparagraphs (a) and (b) above of this Paragraph.

* * *

(2) An affidavit from the borrower that, to the best of ~~said the~~ borrower's knowledge and belief, the subject loan is not in violation of these restrictions, shall suffice to establish for the trustee a conclusive presumption that such is the case.

* * *

(4) Investment of such funds shall only be made in any of the following:

* * *

(h) Loans secured by a mortgage or mortgages on improved immovable property situated exclusively in ~~the this state of Louisiana~~ for not more than an aggregate of seventy-five percent of the appraised value of the property and for a term amortized over a period not exceeding thirty years; and unless otherwise provided by regulation of the Louisiana Cemetery Board must shall bear interest at not less than the maximum rate permitted at the time of investment by the Federal Housing Administration for loans to be insured.

(5) Whenever any of the funds of an endowment or perpetual care trust are invested in or secured by a mortgage or whenever such a mortgage represents part of the assets of such a fund, the trustee shall retain in its own or constructive custody and furnish the cemetery authority with the following documents:

* * *

(d) An original, or ~~photo-copy photocopy~~, of an appraisal current at the time of the mortgage, ~~said appraisal to which shall~~ be made by an appraiser meeting the qualifications of the board, as provided by rule and regulation.

* * *

B. Whenever the board finds, after notice and hearing, that any endowment or perpetual care funds have been invested in violation of this ~~title~~ Title, it shall, by written order mailed to the trustee and to the cemetery authority, require the reinvestment of the funds in conformity with this ~~title~~ Title within the period specified by it, which shall not be more than six months. Such period may be extended by the board in its discretion.

C. The board may bring actions for the preservation and protection of endowment or perpetual care funds in the district court of the parish in which the cemetery is located, and the court may appoint a substitute trustee or trustees and make any other order necessary for the preservation, protection, and recovery of endowment or perpetual care funds whenever a cemetery authority or the trustee of such funds has done any of the following:

(1) Transferred or attempted to transfer any property to or make any loan from or investment with the endowment or perpetual care funds in violation of Subsection A of this Section.

(2) ~~failed~~ Failed to reinvest endowment or perpetual care funds in accordance with a board order issued ~~under~~ pursuant to the authority of Subsection B of this Section; ~~or,~~

(3) ~~invested~~ Invested endowment or perpetual care funds in violation of this ~~title;~~ or, Title.

(4) ~~taken~~ Taken action or failed to take action to preserve and protect the endowment or perpetual care funds, evidencing a lack of concern therefor; ~~or,~~

(5) ~~become~~ Become financially irresponsible or transferred control of the cemetery authority to any person who, or business entity which, is financially irresponsible; ~~or,~~

(6) ~~become~~ Become in danger of insolvency or has gone into bankruptcy or receivership; ~~or,~~

(7) ~~taken~~ Taken any action in violation of this ~~title~~ Title or failed to take action required by this ~~title~~ Title or has failed to comply with lawful rules, regulations, and orders of the board.

* * *

§501. Application

A. Except as ~~hereinafter~~ provided in this Chapter, no person or legal entity, including a cemetery authority, shall, directly or indirectly, enter into a contract for the sale of personal property or services which may be used in a cemetery in connection with the disposing or commemorating of the memory of a deceased human being, if delivery of such personal property or performance of such services is to be made more than one hundred twenty

days after entering into such contract, except as provided in R.S. 8:502(A), 502.1, and 502.2.

* * *

§502. Payments to trust; amounts required

A.(1)(a) Any cemetery authority or other entity entering into a contract for the sale of such personal property as described in R.S. 8:501 ~~of this Chapter~~, when the delivery of the personal property within the meaning of R.S. 8:502.1, is made more than one hundred twenty days after entering into such contract, shall deposit seventy percent of the price charged, less sales taxes, for each item of personal property contracted for, contracted for at a discount, or contracted for without charge into a trust fund established for that purpose.

* * *

D. Each deposit ~~herein~~ required in Subsection A of this Section shall be paid into the trust fund ~~so~~ established within twenty days after the close of the month of receipt from the purchaser by the cemetery authority or other entity, except that the entire amount required to be deposited based upon the sales price, less sales taxes, shall be ~~so~~ deposited in trust within seven years from the date of the original sale, regardless of whether or not all amounts due therefor shall have actually been paid.

* * *

§502.2. Suppliers

No person, firm, or corporation shall be ~~deemed~~ considered a supplier for purposes of R.S. 8:502.1 unless it does all of the following:

* * *

(5) Submits evidence insuring that all personal property purchased through a Louisiana cemetery authority or other entity and being stored by ~~said the~~ supplier is insured for casualty, theft, or other loss normally assumed by a compensated depository ~~and/or or~~ bailee for hire.

* * *

§503. Withdrawals from trust

A. The funds shall be held in trust both as to principal and income earned ~~thereon~~, and shall remain intact, except that the costs of operation of the trust may be deducted from the income earned ~~thereon~~, until delivery of the personal property is made or the services are performed by the cemetery authority or other entity or until the death of the person for whose benefit the contract was made. Upon delivery of the personal property or performance of the services, the cemetery authority or other entity shall certify such delivery or performance to the trustee and the amount of money plus income on deposit with trustee to the credit of that particular contract. Upon such certification, or in case of death prior to such certification, and upon submission of documentation as required by rules and regulations promulgated by the board, the amount of money on deposit to the credit of each particular contract, including principal and income earned ~~thereon~~, shall be forthwith paid to the cemetery authority or other entity. The trustee may rely upon all such certifications ~~herein~~ required to be made pursuant to this Section and shall not be liable to anyone for such reliance.

B. If for any reason a cemetery authority or other entity that has entered into a contract for the sale of personal property or services and has made the deposit into the trust fund as ~~herein~~ required in this Section to be made cannot or does not provide the personal property or perform the services called for by the contract within a reasonable time after request in writing to do so, the purchaser or his heirs or assigns or duly authorized representative shall have the right to provide such personal property or services, and, having done so, shall be entitled to receive the deposit to the credit of that particular contract. Written instructions to the trustee by the cemetery authority or other entity directing the trustee to refund the amount of money on deposit, or an affidavit by either the purchaser or one of his heirs or assigns or duly authorized representative, stating that the personal property or services were not provided, shall be sufficient authority for the trustee to make refund of the funds on deposit to the person submitting the affidavit. The trustee shall not be held responsible for any such refunds made on account of the cemetery authority's or other entity's written direction or an affidavit submitted in accord with this section Section. However, nothing ~~herein~~ contained in this Section shall relieve the cemetery authority or other entity from any liability for nonperformance of the contract terms.

C. If the cemetery authority or other entity cannot deliver the personal property sold because of a national emergency, the provisions of Subsection B shall be suspended for the duration of ~~said the~~ emergency and for fifteen days following the termination thereof.

D. If the purchaser defaults in making payments, the cemetery authority or other entity shall have the right to cancel the contract and to withdraw from the trust fund the entire balance to the credit of the defaulting purchaser's account as liquidating damages. In such event, the trustee shall deliver ~~said the~~ balance to the cemetery authority or other entity upon its certification, and upon receiving ~~said the~~ certification the trustee may rely ~~thereon~~ upon the certification and shall not be liable to anyone for such reliance.

§504. Payments to purchaser; change of domicile

If after final payment a purchaser moves his domicile to a point that makes delivery of the personal property or services impossible or impractical, the trustee shall refund to the purchaser the principal amount of money on deposit to the credit of that particular contract, less the income earned ~~thereon~~, which shall be paid to the seller.

§505. Annual reports by trustee; final accounting by trustee required

A. ~~Every year after August 15, 1997, the~~ Annually, a trustee, within ninety days after the close of ~~the a~~ cemetery authority's business year, shall file with the board a financial report of the merchandise trust fund, setting forth the

principal thereof, the investments and payments made ~~therefrom~~, and the income earned and disbursed. The board may require the trustee to make such additional financial reports as it deems reasonably advisable.

B. Within sixty days of the resignation of a trustee and transfer of the trust fund to the successor trustee, the resigning trustee shall file with the board a financial report of the merchandise trust fund, setting forth the principal thereof, the investments and payments made ~~therefrom~~, and the income earned and disbursed from the last reporting period through the date of resignation and transfer of the trust fund to the successor trustee.

* * *

§505.2. Resignation of trustee; orderly transfer of trust fund

Whenever a trustee resigns, all of the following documentation ~~must~~ shall be filed with the board to insure an orderly transfer of the trust fund from the resigning trustee to the successor trustee:

* * *

(3) A written statement from the successor trustee, qualified ~~under in~~ accordance with R.S. 8:454(B)(1), accepting the trust fund.

* * *

§506. Examination by board; expenses

* * *

B. The expense of the examination as provided ~~herein in this Section~~ shall not exceed two hundred fifty dollars per day for each examiner engaged in the examination, but when the examination requires more than two days, the cost shall be paid by the cemetery authority or other entity in an amount not to exceed a total of five hundred dollars, unless irregularities are found, in which case the cemetery authority or other entity shall pay the full cost of the examination.

C. In making such examination, the board shall:

(1)(a) Have free access to the books and records relating to the merchandise trust funds, their collection and investment, and individual contracts for the sale of personal property or services as described in this Chapter; ~~said,~~

(b) Make the books and records ~~shall be made~~ available for examination in the principal office of the cemetery authority, other entity, or trustee located within the state of Louisiana.

* * *

§506.1. Failure to make required deposits; action

A. If any report filed with, or any examination made by, the board ~~show~~ shows that the minimum amounts required have not been collected and deposited in the merchandise trust fund, the board shall require the cemetery authority, or other legal entity required to establish a merchandise trust fund, to immediately comply with the requirements of this Title.

* * *

§507. Nonwaiver of provisions of ~~chapter~~ Chapter

Any provision of any contract for the sale of personal property or the performance of services ~~herein~~ contemplated in this Chapter which waives any of the provisions of this Chapter ~~§~~ shall be void.

§508. Penalties

Any cemetery authority or other entity, as defined in this Chapter ~~§~~, failing to make the required deposits to the trust fund or otherwise violating the provisions of this Chapter ~~§~~ shall be guilty of a misdemeanor, punishable by fine of not less than two hundred dollars or more than one thousand dollars, or by imprisonment of not less than thirty days nor more than one year, or both, and each violation of this Chapter ~~§~~ shall constitute a separate offense.

* * *

§601. Application of ~~chapter~~ Chapter

This ~~chapter~~ Chapter applies to all structures, including but not limited to mausoleums, tombs, columbariums, niches, lawn crypts, and underground crypts used, intended to be used, or converted or altered for use for the interment of the remains of two or more persons, whether erected under, above, or partially below the surface of the earth.

* * *

§604. Improper construction a nuisance; penalty

Every owner or builder of a structure erected or converted in violation of this ~~title~~ Title shall be guilty of maintaining a public nuisance and, upon conviction, shall be punishable by a fine of not less than five hundred dollars nor more than five thousand dollars or by imprisonment for not less than one month nor more than six months, or both.

§605. Construction in compliance with existing laws

The penalties of this ~~chapter~~ Chapter shall not apply as to any structure that is in existence on July 31, 1974, which at the time of construction was constructed in compliance with the laws then existing, provided its continued use is not in violation of the laws for the protection of the public health.

§606. Commencement and completion requirements; application form; application fee

* * *

B. A cemetery authority shall be required to commence construction pursuant to the plans filed with the board within forty-eight months after the date of the first sale of each section of the structure in which sales, contracts for sales, or reservations for sales are being made, and the construction of each such section shall be completed within five years after the date of the ~~said~~ first sale. However, extensions not to exceed one year, may be granted by the board for reasonable cause. Further extensions may be granted pursuant to Subsection C of this Section. If the structure is not completed within the time specified ~~herein in this Subsection~~, all monies paid plus any monetary penalties assessed by the board shall be paid to the purchasers, unless the cemetery authority delivers a completed interment space acceptable to the

purchaser in lieu of the interment space purchased.

* * *
§653. Opening graves; stealing body; receiving same
* * *

B. Whoever purchases or receives, except for interment or cremation, any such dead body or any part thereof, knowing that the same has been removed in violation of this ~~section~~ Section, shall be punished by imprisonment for not more than three years or by a fine of not more than one thousand dollars, or both.

* * *
§663. Collection, analysis, and reburial of exposed human skeletal remains
* * *

B. This Section shall apply only to municipal cemeteries as defined in R.S. 8:1, and to cemeteries that do not currently hold a certificate of authority ~~under~~ in accordance with this Title.

C. The words and phrases in this Section shall have the meanings given to them in Chapter 10-A of this Title unless the context clearly indicates otherwise.

D.

* * *
(2) Upon a failure or refusal of the cemetery authority to comply with a demand made ~~under~~ in accordance to Paragraph (1) of this Subsection and with the express written permission of the cemetery authority, the attorney general or students and instructors of institutions of higher education from the disciplines of anthropology, archaeology, biology, and mortuary science may undertake the systematic collection of human skeletal remains and burial items that are exposed to the surface and are at risk of being looted from cemeteries within the state.

* * *
(4) The attorney general may collect the exposed human skeletal remains or may delegate that authority to a qualified party ~~under~~ pursuant to this Subsection.

E. The following procedures and protocols shall be followed in undertaking any collection program ~~under~~ as provided in this Section:

(1) Prior to any collection activity notification, proof of compliance with this Section shall be provided to the Louisiana Cemetery Board, the ~~Louisiana Division of Archaeology~~ Department of Culture, Recreation and Tourism, division of archaeology, and the attorney general, in writing.

* * *
F. The following protocols shall be the responsibility of the cemetery authority:

* * *
(3) In the event that no cemetery authority is identifiable, such human skeletal remains shall be curated by the collecting entity in a manner that conforms to the ~~Louisiana Division of Archaeology~~ Department of Culture, Recreation and Tourism, division of archaeology curation guidelines. Such human skeletal remains may be re-interred in an unused portion of the subject cemetery pursuant to an order of a court of competent jurisdiction.

G. There shall be no liability on the part of, and no action for damages against, any of the following:

* * *
(4) The Louisiana Cemetery Board, the ~~Louisiana Division of Archaeology~~ Department of Culture, Recreation and Tourism, division of archaeology, and the attorney general, and their agents or employees, shall not be liable in damages under any law of the state or any political subdivision for their role in administering portions of this Section.

* * *
§673. Definitions

As used in this Chapter, ~~unless the context clearly indicates otherwise~~, the following terms shall have the following meanings indicated ~~unless the context clearly indicates otherwise~~:

* * *
§676. Powers and duties of the secretary

A. The secretary shall have the following powers and duties:

* * *
(6) To issue permits for the disinterment ~~and/or for the~~ or scientific study of human skeletal remains and burial artifacts found in unmarked burial sites. The secretary may adopt rules and regulations to provide for the issuance of emergency permits by the state archaeologist.

* * *
B. Civil damages, except for attorney fees, recovered by the secretary, subject to applicable provisions of law, shall be used by the secretary to implement and enforce this Chapter and to fund activities of the Department of Culture, Recreation and Tourism, division of archaeology, in regard to restoration and protection of burial sites, in accordance with regulations adopted by the secretary and other applicable laws. Attorney fees shall be paid to the Louisiana Department of Justice.

C. Provisional permits may be used by the Department of Culture, Recreation and Tourism, division of archaeology, until rules and regulations governing permitting are adopted.

* * *
§680. Discovery of unmarked burial sites, human skeletal remains, and burial artifacts

A. Any person who has reason to believe he ~~or she~~ has discovered an unmarked burial site or received human skeletal remains from an unmarked burial site shall notify the law enforcement agency of the jurisdiction where

the site or remains are located within twenty-four hours of discovery. Any person who has reason to believe he ~~or she~~ has discovered or received burial artifacts shall notify the secretary through the Department of Culture, Recreation and Tourism, division of archaeology, within seventy-two hours of the discovery. Failure to give notice as required is a misdemeanor punishable by a fine of not less than one hundred dollars nor more than one thousand dollars.

* * *
C. Each law enforcement agency that receives notice of an unmarked burial site or human skeletal remains shall immediately notify the coroner of the parish where the site or remains are found. The law enforcement agency shall also notify the secretary through the Department of Culture, Recreation and Tourism, division of archaeology, within two business days of any discovery unless circumstances indicate that the death or burial is less than fifty years old or that there is need for a criminal investigation or legal inquiry by the coroner.

* * *
§701. Application

This ~~chapter~~ Chapter applies to all undeveloped land of a cemetery authority that is used, intended to be used, or converted into use for the interment of human remains.

§702. Standards of construction

No undeveloped land shall be sold or otherwise disposed of for use for the interment of human remains unless the person, cemetery authority, or other entity that intends to sell or otherwise dispose of such land for such use has made reasonable and adequate provisions for the installation of the necessary roadways, walkways, drainage, embellishments, features, landscaping, and other facilities that will insure the completion of ~~said the~~ undeveloped land into the kind of cemetery that is being or will be represented for sale to the buying public.

§703. Compliance with ordinances and specifications

The development of ~~said the~~ undeveloped land shall comply with the laws, ordinances, building codes, and any and all other lawful requirements of the state, parish, and municipality in which the ~~said~~ land is located.

§704. Improper use a nuisance; penalty

Every landowner who sells or otherwise disposes of or causes or permits the sale or other disposition of undeveloped land for use for the interment of human remains in violation of this ~~section~~ Section shall be guilty of maintaining a public nuisance and, upon conviction, shall be punishable by fine of not less than five hundred dollars nor more than five thousand dollars or by imprisonment for not less than one month nor more than six months, or both.

§705. Construction in compliance with existing laws

The penalties of this ~~title~~ Title shall not apply as to any land that is being used for the interment of human remains if the continued use of such land is not in violation of the laws for the protection of public health.

* * *
§706. Commencement and completion requirements
* * *

C. Failure to commence ~~and/or~~ or complete development within the time ~~herein~~ required in this Section shall be a misdemeanor punishable by fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment of not less than thirty days nor more than one year, or both.

§801. Recognized owner of title

The person or persons or entity in whose names the official title to a cemetery space appears in the official records of a cemetery authority shall be treated as the owner of ~~said the~~ space by the cemetery authority.

§802. Transfer of ownership rights
* * *

B. A cemetery authority may refuse to give its consent to a sale, use, or transfer of, or may refuse to issue a deed or other evidence of title to a cemetery space or the right of interment, ~~so long as~~ if there is any indebtedness due on such right of interment or cemetery space.

* * *
E. Whenever a cemetery authority makes an interment on the authority of a person who presents the official title to the cemetery space in which the ~~said~~ interment is to be made, the right of the cemetery authority to make ~~said the~~ interment shall be conclusively presumed, but it shall have the right to refuse to permit an interment if it receives a written protest from any person who, in the sole judgment of an officer of the cemetery authority, has a reasonable basis for objecting.

F. In dealing with an owner, a cemetery authority may rely upon, for all purposes, the last address of ~~said the~~ owner that is on file in the office of the cemetery authority, and any notice forwarded to the owner of record at ~~said the~~ address shall be conclusively considered as sufficient and proper legal notification for any and all purposes. If an owner wishes to change his official address, it shall be his duty to notify the cemetery authority, in writing, and when such a notice is received by the cemetery authority, the owner's address shall be promptly changed and, thereafter, ~~said the~~ new address shall prevail for all purposes.

§803. Descent of title to cemetery space

Except as ~~herein~~ otherwise provided in this Chapter, every right of interment and cemetery space shall be subject to the laws of ~~Louisiana~~ this state pertaining to community property, inheritance, including but not limited to the laws of intestacy, donations inter vivos and mortis causa, and successions.

* * *

§805. When right of interment or cemetery space is inalienable

Subject to the approval of the cemetery authority, any cemetery space in any cemetery may be conveyed by the owner or owners, by proper instrument in a form approved by the cemetery authority, or such conveyance may be so provided in the last will and testament of the owner to the cemetery authority in perpetual trust for its preservation as a place of interment and shall thereafter remain forever inalienable by act of the parties. The right to use the said cemetery space as a place of interment of the dead of the family of the owner and his descendants shall descend from generation to generation, unless the act of conveyance in trust provides that interments in the said space shall be confined to the remains of specified persons, in which case the said space shall be forever preserved for the remains of the persons so specified and shall never be used for any other purpose.

§806. Rights of co-owners

When the record title to a cemetery space or right of interment is in the names of two or more persons, each shall be considered as having a vested right therein and no conveyance or other disposition of said space or right shall be recognized without the written concurrence of each said record owner, but each owner shall have the right of interment in any unoccupied portion of the cemetery space at the time of death.

§807. Co-owners; identification

An affidavit by any informed but disinterested person having knowledge of the facts setting forth the fact of the death of one co-owner and establishing the identity of the surviving co-owner named in the deed to any cemetery space or right of interment, when filed with the cemetery authority, shall constitute complete and sufficient authorization to the cemetery authority to permit the use of one unoccupied portion of said the space in accordance with the directions of the surviving co-owner.

§808. Co-owners may designate representative

When there are two or more owners of a cemetery space or right of interment, they may designate one or more persons, firms or corporations, trustees, or other entities to represent them and, upon filing written notice of designation with the cemetery authority, the cemetery authority in its discretion shall have the right to deal with such representative unless the cemetery authority receives written revocation of the designation executed by all of the co-owners or their heirs or legal representatives.

§809. Waiver of right of interment

Any surviving spouse, parent, child, or heir having a right of interment in an interment space may waive such right in favor of any other relative or spouse of a relative of the deceased record owner. Upon such waiver, the remains of the person in whose favor the waiver is made may be interred in the interment space.

* * *

§813. Correction of errors

A cemetery authority shall have the right to correct any and all errors that may occur in or in connection with the operation of the cemetery, including without limitation those involving or in connection with the making of an interment, disinterment, or removal, or the description, transfer, granting the right of use, or conveyance of a cemetery space, and in this connection, the cemetery authority shall have the right to substitute, grant the right of use, or convey, in order to correct any such errors, other interment rights, approximately equal in value and location as far as feasible, as selected by said the authority; or, in the sole discretion of said the authority, the correction of an error may be accomplished by the refunding of the amount of money paid on account of the acquisition or use of a cemetery space. If an error involves an interment, the cemetery authority shall have the right to remove and transfer the remains that are involved.

§901. Unlawful to use, lease or sell for drilling, mining, or prospecting; penalty

A. It shall be unlawful to use, lease, or sell any tract of land which is platted, laid out, or dedicated for cemetery purposes and in which human bodies are interred, on any part of such tract, for the purpose of prospecting, drilling, or mining; provided that the prohibition of leasing contained in this ~~section~~ Section shall not apply to any oil, gas, or mineral lease that contains a stipulation forbidding drilling or mining operations upon that portion of the leased premises which is included within the cemetery.

B. Whoever violates this ~~section~~ Section shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned for not less than thirty days nor more than six months, or both, and each day during which drilling, mining, or prospecting is conducted or prosecuted shall be considered a separate offense.

§902. Underground burials; depth

Any cemetery sexton or other person digging graves for underground interments shall dig sufficiently deep to allow for at least two feet of soil to cover the entire area of the casket, unless the said interment is in a burial vault, coping, or lawn crypt.

§903. Maintenance of cemetery spaces more than fifty years old; sale of repaired abandoned cemetery spaces

A. Cemetery authorities may renovate and repair but not demolish, at their own cost ~~and/or~~ or in conjunction with any private, state, or federal grant or fund, cemetery spaces within their cemeteries that are more than fifty years old and which have deteriorated, when the record owner or his spouse or heirs have neglected to do such renovation within one year after written notice mailed by registered or certified mail to the last known address of the last record owner on the records of the cemetery authority, the posting of

notice on each of such cemetery spaces, and advertising in the official journal of the parish or municipality notifying the owner thereof that such renovation and repair will be made, unless the owner thereof objects by written notice to the office of the cemetery authority before the end of the one year period. Upon failing to receive any objections, after due notice has been given, the cemetery authority may proceed with the repairs or renovations with impunity.

B. Cemetery authorities may require the payment of all documented repair ~~and/or~~ and renovation costs before any such renovated or repaired interment space may thereafter be used.

* * *

§903.1. Cemeteries; maintenance of vaults and wall vaults more than fifty years old; reclamation by authority

A. Cemetery authorities of municipal, religious, and nonprofit cemeteries may renovate, repair, ~~and/or~~ and maintain vaults ~~and/or~~ and wall vaults in question, at their own cost ~~and/or~~ or in conjunction with any private, state, or federal grant or fund, vaults ~~and/or~~ and wall vaults over fifty years old, or vaults ~~and/or~~ and wall vaults located in cemeteries more than one hundred years old, which have deteriorated or are in a ruinous state under the following conditions:

(1) In the event that the cemetery authority has no evidence of ownership or interments in the vault ~~and/or~~ or wall vault in question, it may immediately make the repairs, renovations, and maintenance and after same have been completed, publish as part of a general notice in the official journal of the parish or municipality a notice notifying all persons that if no one comes forward to the office of the cemetery authority with written evidence of ownership of the vault ~~and/or~~ or wall vault in question within sixty days of the date of publication then the cemetery authority shall have the right to reclaim the ownership of the vault ~~and/or~~ or wall vault in question and resell same.

(2) In the event that there is evidence of an interment or interments in the vault ~~and/or~~ or wall vault in question, and the cemetery authority has no evidence of ownership, the remains may be immediately removed and temporarily reinterred at another location, and the cemetery authority shall then have the power to immediately make the renovations, repairs, and maintenance necessary, and the same notice procedure set forth in Paragraph (1) of this Subsection shall be followed, except that all persons shall have six months to come forward to the office of the cemetery authority and present written evidence of ownership in the vault ~~and/or~~ or wall vault in question, and in the event that anyone fails to do so within the time prescribed, then the vault ~~and/or~~ or wall vault may be reclaimed by the cemetery authority and resold.

(3) In the event that records of the cemetery authority indicate that there is a record owner of the vault ~~and/or~~ or wall vault in question, the remains, if any, may be immediately removed and temporarily reinterred at another location, and the cemetery authority shall have the right and power to immediately make the necessary renovations, repairs, and maintenance, then the cemetery authority shall attempt to contact the owner by registered or certified mail at his last known address, and also publish as part of a general notice in the official journal of the parish or municipality in question a notice stating that in the event the owner or his heirs fail to come forward to the office of the cemetery authority within six months of the date of the notice and submit written proof of ownership, then the vault ~~and/or~~ or wall vault in question may be reclaimed and resold by the cemetery authority.

(4) In addition to the notifications called for in Paragraphs (1), (2), and (3) ~~hereinabove~~ of this Subsection, the cemetery authority shall also post a common or general sign or notice in a conspicuous place in the cemetery informing the public of the above so that claimants may come forward in the manner prescribed ~~herein~~ in this Section to assert their rights.

(5) Under no circumstances shall the cemetery authority be prevented from doing repairs, renovations, and maintenance to vaults ~~and/or~~ or wall vaults if same are necessary for the preservation of the section of vaults ~~and/or~~ or wall vaults in question ~~and/or~~ or the beautification of the cemetery. If it becomes necessary to remove remains therefrom, the cemetery authority shall have this right and power as set forth above, but the remains ~~must~~ shall be kept separate until the herein prescribed time period has elapsed so that they can be identified.

(6) After the renovations, repairs, and maintenance have been completed and the prescribed time period has lapsed, and the cemetery authority has reclaimed the ownership of the vault ~~and/or~~ or wall vault in question, then all of the remains removed in accordance with the provisions of this Paragraph, shall be interred in a common burial place, but the cemetery authority shall retain records, tablets, stones, and other information regarding which vaults ~~and/or~~ or wall vaults ~~same~~ were removed from and the interments therein, and the names of the deceased persons in question, if they are available.

(7) Under no circumstances shall ~~any of the above~~ this Subsection be construed ~~in such a fashion as~~ to prevent a cemetery authority from immediately making repairs, renovations, ~~and/or~~ or maintenance of wall vaults in the event that ~~same~~ it is necessary for the protection of the health and welfare of the general public.

(8) If a person comes forward to the cemetery authority within the time periods prescribed in Paragraphs (1) through (3) ~~hereof~~ of this Subsection with satisfactory written evidence of ownership or title to the vault ~~and/or~~ or wall vault in question, the cemetery authority may require that ~~they~~ he pay his pay their ~~he pay his~~ pro rata share, to be reasonably determined by the cemetery authority, of all actual costs and expenses of repairs, renovations,

and maintenance before the said vault and/or or wall vault may thereafter be used by ~~them~~ him and ~~their~~ his title thereto confirmed. If there is some other impediment or objection to reuse of the vault ~~and/or~~ or wall vault in question, ~~they must~~ he shall still pay their pro rata share of all costs as set forth ~~hereinabove~~ in this Section to confirm ~~their~~ his title to same, otherwise ownership or title may be reclaimed by the cemetery authority and the space resold. Under no circumstances shall the owner of the vault ~~and/or~~ or wall vault in question be able to object to the repairs, renovations, and maintenance done or to be done if it is necessary for the preservation of the section of vaults, ~~and/or~~ or wall vaults in question, or the protection of the health and welfare of the general public.

B. The provisions ~~hereof~~ in this Section shall be inapplicable with respect to any tomb, vault, or wall vault placed in perpetual care.

§904. Speculative sales and purchases prohibited; penalties

A. It is declared to be against the public policy of this state for any person, firm, corporation, association, or other legal entity to speculate in interment spaces. Accordingly, it shall be unlawful for any person, firm, corporation, association, or other legal entity, except a licensed cemetery authority, to sell or buy an interment space or spaces for the purpose of resale at a profit.

B. Whoever violates this ~~section~~ Section shall be fined no more than five hundred dollars or be imprisoned for not more than six months, or both, for each interment space ~~so~~ bought or sold.

§905. Upkeep of cemeteries; local ordinance authorized; penalty; definition of "shareholder"

* * *

C. As used in this Section, "shareholder" ~~shall mean~~ means any person who owns a controlling share or a majority of the stock of the cemetery corporation.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 575

HOUSE BILL NO. 935
BY REPRESENTATIVE BOYD
AN ACT

To amend and reenact R.S. 22:1667(A), relative to catastrophe claims adjusters; to require training; to require registration of certain individuals; to require certification; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1667(A) is hereby amended and reenacted to read as follows:

§1667. Catastrophe or emergency claims adjuster registration

A.(1) Notwithstanding any other provision of law to the contrary, in the event of a catastrophe or an emergency, no adjuster's license shall be required for an individual who is employed or retained by an insurer and brought into this state for the purpose of investigating or making adjustment of losses resulting from the catastrophe or emergency. However, the commissioner shall establish procedures to register ~~these~~ such individuals.

(2) The commissioner shall prepare and make available to individuals registered pursuant to this Section a handbook for adjusting in this state that includes information relevant to evaluating property damage arising out of an emergency or disaster. The handbook shall be similar or equivalent to one hour of continuing education for licensees.

(3) An adjuster registered pursuant to this Section shall certify that he has read and understands the most recent edition of the handbook, provided for in Paragraph (2) of this Subsection, on a form promulgated by the commissioner within ten days of registration. An insurer employing or retaining an adjuster registered pursuant to this Section shall maintain in its records the certifications provided for in this Paragraph for all such adjusters and shall make the certifications available to the commissioner upon request for such.

* * *

Section 2. This Act shall become effective January 1, 2023.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 576

HOUSE BILL NO. 946
BY REPRESENTATIVE DUSTIN MILLER
AN ACT

To amend and reenact R.S. 17:1944.1(B)(1) and (C) and to enact R.S. 17:1944.1(B)(3)(c), relative to local special education advisory councils; to provide relative to membership on such councils; to provide relative to reports from such councils; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1944.1(B)(1) and (C) are hereby amended and reenacted and R.S. 17:1944.1(B)(3)(c) is hereby enacted to read as follows:

§1944.1. Local special education advisory councils; creation; purpose

* * *

B.(1) The number of council members and composition of the council shall be determined by the local public school superintendent or the administrative head of each charter school or other public school. However, the council's membership shall be composed as follows:

(a) ~~Fifty~~ Except as otherwise provided by this Subparagraph, at least fifty percent of the membership shall be parents or legal guardians of students with an exceptionality, other than gifted and talented, who are enrolled in a school under the jurisdiction of or who are receiving special education services from the public school governing authority, none of whom shall be employees of the public school governing authority. One high school student with an exceptionality, other than gifted and talented, and one person who represents an entity that serves students with disabilities or families of students with disabilities and who is not an employee of the school governing authority may be counted to meet the requirement of this Subparagraph.

(b) ~~Twenty-five~~ percent of the membership shall be teachers, principals, or ~~paraprofessionals.~~

(c) ~~Twenty-five~~ At least ten percent of the membership shall be other special education stakeholders who are not represented by council members selected under the provisions of Subparagraphs (a) and (c) of this Paragraph.

(c) At least one member shall be a teacher, principal, or paraprofessional who serves students with disabilities and who works in a school under the jurisdiction of the public school governing authority.

* * *

(3)

* * *

(c) A council should be comprised of at least eight members. If a council has fewer than eight members, the superintendent or administrative head of a charter school shall provide an explanation of his decision to establish a council with fewer than eight members. The explanation shall be provided to the council, and the council shall include it as an addendum to the report required by Subsection C of this Section.

C. Each special education advisory council shall meet at least three times a year and shall submit a written report to the local public school superintendent or the administrative head of the charter school or other public school and the Special Education Advisory Panel in May of each year regarding its activities. The local public school superintendent or the administrative head of the charter school or other public school shall ensure that the report is posted on the district's or the school's website, and all such reports shall be submitted to the state Department of Education and published on its website.

* * *

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 577

HOUSE BILL NO. 958
BY REPRESENTATIVE DUSTIN MILLER
AN ACT

To enact Part II-E of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2120.11 through 2120.24, relative to the licensure and regulation of nurse staffing agencies by the Louisiana Department of Health; to provide for definitions; to provide for the licensure and registration of nurse staffing agencies; to provide for the protection of public rights to health care; to provide for licensed and certified personnel in healthcare facilities; to provide for applicability provisions for prospective agencies; to provide for regulations and grounds for issuance, renewal, and denial of a license; to establish standards for the operation of nurse staffing agencies; to provide for penalty provisions; to provide for rulemaking requirements; to provide for fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-E of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2120.11 through 2120.24, is hereby enacted to read as follows:

PART II-E. LICENSING OF NURSE STAFFING AGENCIES

§2120.11. Short title

This Part shall be known and may be cited as the "Nurse Staffing Agency Licensing Law".

§2120.12. Purpose

The purpose of this Part is to authorize the Louisiana Department of Health to promulgate and publish rules and regulations to provide for the licensure of nurse staffing agencies. §2120.13. Definitions

As used in this Part, the following terms have the meanings ascribed to them in this Section:

(1) "Certified nurse aide" means an individual who has completed a Nurse Aide Training and Competency Evaluation Program approved by the state as meeting the requirements of 42 CFR 483.151 and 483.154 or has been determined competent as provided in 42 CFR 483.150(a) and (b) and is listed as certified and in good standing on the state's Certified Nurse Aide Registry.

(2) "Department" means the Louisiana Department of Health or any office or agency thereof designated by the secretary of the department to administer the provisions of this Part.

(3) "Healthcare facility" means any person, partnership, corporation, unincorporated association, or other legal entity licensed pursuant to R.S. 40:2006 (A)(2) and operating or planning to operate within the state.

(4) "Licensee" means any nursing agency properly licensed in accordance with this Part.

(5) "Nurse" means a registered nurse as defined in R.S. 37:913 or a licensed practical nurse as defined in R.S. 37:961.

(6) "Nurse staffing agency" means any person, partnership, corporation, unincorporated association, or other legal entity that employs, assigns, or refers nurses or certified nurse aides to render healthcare services in a healthcare facility for a fee. However, for purposes of this Part, "nurse staffing agency" does not include the following:

(a) A nurse staffing agency that solely provides services in Louisiana under a contract or other agreement with the state of Louisiana, or any executive branch department or agency thereof, as a result of a declared disaster, emergency, or public health emergency.

(b) The federal or state government department or agency that provides nursing staff or certified nurse aides to any health care provider setting, evacuation site, or shelter location as a result of a declared disaster, emergency, or public health emergency.

(7) "Secretary" means the secretary of the Louisiana Department of Health or his designee.

§2120.14. Licensure required

The department shall license nurse staffing agencies in accordance with this Part. No person, partnership, corporation, unincorporated association, or other legal entity may establish, operate, maintain, or advertise as a nurse staffing agency in this state unless the person, partnership, corporation, unincorporated association, or other legal entity is licensed by the department in accordance with this Part.

§2120.15. Application for licensure; fees

A. An application to operate a nurse staffing agency shall be made to the department on forms provided by the department. A separate license shall be obtained for each location from which a nurse staffing agency is operated unless the nurse staffing agency is owned and managed by the same entity, person, or persons.

B. The application shall contain all of the following information:

(1) The name and address of the person, partnership, corporation, unincorporated association, or other legal entity that is the applicant.

(2) If the applicant is a corporation, a copy of its articles of incorporation, a copy of its current bylaws, and the names and addresses of its officers, directors, and shareholders owning more than five percent of the corporation's stock.

(3) The names and addresses of the person or persons under whose management or supervision the nurse staffing agency will be operated.

(4) A statement of financial solvency.

(5) A statement detailing the experience and qualifications of the applicant to operate a nurse staffing agency.

(6) Evidence of compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1, et seq. with a minimum coverage in the amount of one million dollars.

(7) Evidence of professional liability insurance in an amount sufficient to provide coverage in accordance with the total amount recoverable for all malpractice claims as indicated in R.S. 40:1231.2.

(8) Any other relevant information the department determines is necessary to properly evaluate the applicant and application as required by the department by rule.

C. Any person, partnership, corporation, unincorporated association, or other legal entity operating or planning to operate a nurse staffing agency shall be assessed a nonrefundable fee of twelve hundred dollars, payable to the department, at the time an initial licensing application is made to the department and shall be assessed a nonrefundable fee of twelve hundred dollars biennially thereafter for renewal of the license. Any person, partnership, corporation, unincorporated association, or other legal entity shall be assessed a delinquent fee of one hundred dollars for failure to timely renew its license; the delinquent fee shall be assessed and shall become due and payable to the department at 12:01 a.m. on the first day following the expiration date of the license. These licensing fees are for the initial application and renewal of a license only and are in addition to any other fees that may be assessed according to the laws, rules, regulations, and standards that are applicable to a nurse staffing agency.

§2120.16. Issuance of a license

Upon receipt and after review of an application for a license in accordance with this Part, the secretary shall issue a license if it is determined that the applicant is qualified to operate a nurse staffing agency based upon demonstrated compliance with this Part. A license issued by the department in accordance with this Section shall remain effective for a period of two years unless the license is revoked or suspended pursuant to this Part. When a nurse staffing agency is sold or ownership is transferred, the transferee shall notify the department and apply for a new license at least forty-five days prior to the transfer. The transferor shall remain responsible for the operation of the agency until such time as a license is issued to the transferee.

§2120.17. Renewal of a license

At least thirty days prior to license expiration, the licensee shall submit an application which meets the requirements of this Part for renewal of the license. If the application is approved, the license shall be renewed for an additional two-year period.

§2120.18. Grounds for denial of a license

An application for a license may be denied for any of the following reasons:

(1) Failure to comply with the minimum standards set forth by this Part as well as any licensing regulations promulgated by the department.

(2) Conviction of the applicant of a felony offense.

(3) Insufficient financial or other resources to operate the nurse staffing agency in accordance with the requirements of this Part and the minimum standards, rules, and regulations promulgated in this Part.

(4) Failure to establish appropriate personnel policies and procedures for selecting nurses and certified nurse aides for employment, assignment, or referral.

(5) Failure to perform criminal history checks as required by R.S. 40:1203.1 et seq.

(6) Failure to report hours worked by certified nurse aides to the Certified Nurse Aide Registry.

§2120.19. Suspension, revocation, or refusal to issue or renew a license

The department may, after appropriate notice and hearing, suspend, revoke, or refuse to issue or renew any license if the licensee or applicant fails to comply with this Part or the rules and regulations promulgated by the department in accordance with this Part.

§2120.20. Minimum standards; prohibited actions

A. The department, by rule, shall establish minimum standards for the operation of nurse staffing agencies. Those standards shall include but are not limited to the following:

(1) The maintenance of written policies and procedures.

(2) The development of personnel policies, which include a personal interview, a reference check, and an annual evaluation of each employee or contracted staff.

(3) Licensure application and renewal application procedures and requirements.

(4) Survey and complaint investigations.

(5) Provisions for denial, revocation, suspension and nonrenewal of licenses, and appeals thereof.

(6) Such other standards or regulations that will ensure proper care and treatment of patients, clients, and persons receiving services.

B. Each nurse staffing agency shall have a nurse serving as a manager or supervisor of all nurses and certified nurse aides.

C. Each nurse staffing agency shall ensure that its employees or contracted staff meet the minimum licensing, training, and orientation standards for which those employees or contracted staff are licensed or certified.

D. A nurse staffing agency shall not employ, assign, or refer for use in a healthcare facility in this state, a nurse or certified nurse aide unless the nurse or certified nurse aide is certified or licensed in accordance with the applicable provisions of state and federal laws or regulations. Each certified nurse aide shall comply with all pertinent regulations of the department relating to the health and other qualifications of personnel employed in healthcare facilities.

E. The department may adopt rules to monitor the usage of nurse staffing agency services to determine their impact.

F.(1) Nurse staffing agencies are prohibited from requiring, as a condition of employment, assignment, or referral, that their employees or contracted staff recruit new employees for the nurse staffing agency from among the permanent employees of the healthcare facility to which the nurse staffing agency employees or contracted staff have been assigned or referred.

(2) The healthcare facility is prohibited from requiring, as a condition of employment, its employees to recruit nurse staffing agency employees or contracted staff to become permanent employees at the healthcare facility.

G. Nurse staffing agencies are prohibited from offering or providing financial incentives to their employees or contracted staff for the purpose of inducing permanent employees of healthcare facilities to which they are assigned to become employed or enter into a contract with the nurse staffing agency.

H.(1) Except as provided in Paragraph (2) of this Subsection, a nurse staffing agency shall not require, in any contract with a nurse staffing agency employee or contracted staff or a facility to which the employee or staff is assigned, the payment of a fee if the employee or contracted staff is hired as a permanent employee of the facility.

(2)(a) A nurse staffing agency may require the payment of a fee if the fee is payable solely by the facility and the contract with the facility specifies that the amount will be reduced pro-rata based on the length of time the nurse staffing agency employee or contracted staff performs services for the facility while in the employment of the nurse staffing agency. The fee shall be reduced to zero over a period of time not to exceed eighteen weeks from the date of the nurse staffing agency's initial assignment of the employee or contracted staff to the facility.

(b) A nurse staffing agency shall not charge a fee if a nurse staffing agency employee or contracted staff was employed by a facility as a permanent employee less than thirty days immediately preceding the agency's initial assignment of the employee or contracted staff to the facility.

§2120.21. Investigations; inspections; orders; civil penalties

A. The department may at any time, upon receiving a complaint from any interested person regarding allegations that a nurse staffing agency is operating without a valid license issued by the department, investigate any entity, person, or persons.

B. The department may examine the premises of any nurse staffing agency and may examine and inspect books, payrolls, records, papers, documents,

and other evidence in any survey or investigation. The nurse staffing agency shall cooperate in any survey or investigation conducted by the department. Failure to cooperate or produce any documentation for inspection or survey may result in action up to and including license revocation.

C. The department shall assess a nurse staffing agency a survey or investigation fee, not to exceed one thousand dollars, for any complaint survey or investigation conducted by the department at which deficiencies are substantiated. This survey or inspection fee shall be imposed by the department only after the nurse staffing agency has completed the administrative process which has upheld the deficiencies or the time for filing any administrative appeal has expired. The survey or investigation fee shall not exceed the cost of performing the survey. This fee shall be in addition to any other sanctions.

§2120.22. Operation without a license; penalty

A. A nurse staffing agency shall not operate without a license issued by the department. Any person, partnership, corporation, unincorporated association, or other legal entity operating such an agency without a license shall be guilty of a misdemeanor and upon conviction shall be fined no less than two hundred fifty dollars nor more than one thousand dollars. Each day of violation shall constitute a separate offense. It shall be the responsibility of the department to inform the appropriate district attorney of the alleged violation to ensure enforcement.

B. If a person, partnership, corporation, unincorporated association, or other legal entity is operating a nurse staffing agency without a license issued by the department, the department may have the authority to issue an immediate cease and desist order to that person, partnership, corporation, unincorporated association, or other legal entity. Any such agency receiving a cease and desist order from the department shall immediately cease operations until such time that the agency is issued a license by the department.

C. The department shall seek an injunction in the Nineteenth Judicial District Court against any person, partnership, corporation, unincorporated association, or other legal entity operating an agency that receives a cease and desist order from the department in accordance with Subsection B of this Section and that does not cease operations immediately. Any such person, partnership, corporation, unincorporated association, or other legal entity operating an agency against which an injunction is granted shall be liable to the department for attorney fees, costs, and damages.

§2120.23. Implementation

A. No nurse staffing agency shall be required to obtain a license in accordance with this Part until the initial rules, regulations, and licensing standards are promulgated by the department in accordance with the Administrative Procedure Act.

B. Each person, partnership, corporation, unincorporated association, or other legal entity operating an agency that meets the definition of nurse staffing agency as defined in this Part shall submit an initial licensing application and fee to the department within ninety days of the promulgation of the initial rules, regulations, and licensing standards. If the person, partnership, corporation, unincorporated association, or other legal entity is not licensed within one hundred eighty days after submission of its initial licensing application and fee, the person, partnership, corporation, unincorporated association, or other legal entity shall cease operations until such time as the person, partnership, corporation, unincorporated association, or other legal entity is licensed as a nurse staffing agency by the department.

§2120.24. Administrative rulemaking

The department shall adopt all rules and regulations in accordance with the Administrative Procedure Act as necessary for the implementation of the provisions of this Part.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 578

HOUSE BILL NO. 1031
BY REPRESENTATIVE FREIBERG
AN ACT

To enact Part II-A of Chapter 3 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:461, relative to an annual road usage fee on certain vehicles; to levy a road usage fee on electric and hybrid motor vehicles; to provide for the administration, collection, and disposition of fees; to provide for rulemaking authority; to provide for certain definitions; to provide for the use of road usage fee proceeds; to provide for a special effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-A of Chapter 3 of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:461, is hereby enacted to read as follows:

PART II-A. ELECTRIC VEHICLES AND HYBRID VEHICLES

§461. Imposition of road usage fee; electric vehicles; hybrid vehicles; administration and collection; use of proceeds

A.(1) There is hereby levied a road usage fee not to exceed one hundred ten dollars per year on each electric vehicle which is operated upon the highways of this state and which is required to be registered in accordance with the provisions of Chapter 4 of Subtitle II of Title 47 of the Louisiana

Revised Statutes of 1950, as amended.

(2) There is hereby levied a road usage fee not to exceed sixty dollars per year on each hybrid vehicle which is operated upon the highways of this state and which is required to be registered in accordance with the provisions of Chapter 4 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended.

(3) Notwithstanding the provisions of Paragraphs (1) and (2) of this Subsection, an electric vehicle or hybrid vehicle that is a school bus primarily used to transport Louisiana students shall be exempt from the fee imposed by this Subsection.

B. For purposes of this Section, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Electric vehicle" shall mean a vehicle which is powered by one or more electric motors or energy stored in rechargeable batteries for propulsion.

(2) "Hybrid vehicle" shall mean a vehicle that uses gasoline, diesel fuel, or special fuels in combination with an electric motor for propulsion.

(3) "Owner" shall have the same meaning as defined by R.S. 47:451.

(4) "Secretary" shall mean the secretary of the Louisiana Department of Revenue.

C. Administration and collection of the road usage fee.

(1) The fees imposed by Subsection A of this Section shall be paid by the owner of the electric vehicle and the owner of the hybrid vehicle on a calendar year basis. The fee shall be due on or before May 15th for the preceding year in which the electric vehicle or hybrid vehicle was operated upon the highways of this state.

(2) The secretary shall administer and is authorized to collect the fees imposed by Subsection A of this Section with all the duties and powers authorized by Chapter 18 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended.

(3) In consultation with the secretary of the Department of Transportation and Development, the secretary shall promulgate rules in accordance with the Administrative Procedure Act relative to the following:

(a) To develop a prorated fee schedule applicable to electric vehicles and hybrid vehicles that are registered to be operated upon the highways of this state for less than one year. The fee schedule may consider mileage, weight, days operated, and other relevant factors to reasonably determine a fee that is commensurate and in proportion with actual road usage in this state.

(b) To prescribe and publish forms, schedules, and methods upon which the fee levied pursuant to this Section may be reported and remitted to the secretary, including through the use of existing forms and schedules.

(c) To provide for collection and administrative procedures that the secretary determines necessary to administer this Section.

D. The proceeds of the fees imposed by Subsection A of this Section shall be deposited as follows:

(1) Seventy percent of the proceeds shall be deposited into the Construction Subfund of the Transportation Trust Fund for use by the Department of Transportation and Development on road and bridge preservation projects included in the Highway Priority Program in accordance with the Department of Transportation and Development's definitions of such projects.

(2) Thirty percent of the proceeds shall be deposited into the Parish Transportation Fund and distributed to local governments in accordance with the formula set forth in R.S. 48:756. Amounts distributed may be used by local governments for any purpose that is a permitted use of funds received from the Parish Transportation Fund.

Section 2. The provisions of this Act shall be effective January 1, 2023.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 579

HOUSE BILL NO. 1039
BY REPRESENTATIVES MCKNIGHT AND DAVIS
AN ACT

To amend and reenact R.S. 40:1664.9(J) through (N) and to enact R.S. 40:1664.9(O), relative to life safety and property protection systems; to provide for the electronic tagging of such systems using a Quick Response code decal or hanging tag; to provide for collecting a fee to obtain a Quick Response code decal or hanging tag; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1664.9(J) through (N) are hereby amended and reenacted and R.S. 40:1664.9(O) is hereby enacted to read as follows:

§1664.9. Fees; license endorsements for firms and persons; certifications; Louisiana Life Safety and Property Protection Trust Fund

* * *

J. The cost of a Quick Response (QR) code decal or hanging tag for purposes of electronically tagging life safety and property protection systems and equipment, with the exception of portable fire extinguishers and hoses, is one dollar and fifty cents.

K. The fees established in this Section shall not be refundable except under such conditions as the state fire marshal may establish.

K.(+) L.(1) A temporary conveyance device mechanic license may be issued by the office of state fire marshal upon receipt of either the following:

(a) An attestation from the requesting licensed conveyance device mechanic firm that, despite its best efforts, there is an insufficient number of licensed conveyance device mechanics needed to perform conveyance device mechanic activities or an imminent increase in conveyance device mechanic activities.

(b) An attestation from the requesting licensed conveyance device mechanic firm certifying that the person who seeks temporary licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities without direct or immediate supervision as determined by the office of state fire marshal.

(2) All attestations shall be submitted in the form of notarized affidavit.

(3) A temporary conveyance device mechanic license shall be valid for a period of one hundred eighty days from the date of issuance and is valid only for the work performed for the licensed conveyance device mechanic firm that requested the temporary license pursuant to this Section.

(4) Temporary licenses may be approved by the office of state fire marshal for renewal. The requesting licensed conveyance device mechanic firm shall provide a notarized attestation to the office of state fire marshal certifying that, despite its best efforts, there continues to be an insufficient number of licensed conveyance device mechanics needed to perform conveyance device mechanic activities or an imminent increase in conveyance device mechanic activities.

(5) The office of state fire marshal may refuse to renew a temporary license for a person that the office determines has had adequate opportunity to obtain a license pursuant to the provisions of this Subpart.

(6) Initial and renewal fees for temporary licenses shall be in accordance with Subparagraphs (C)(11)(a) and (b) of this Section.

~~L(4)~~ M.(1) An emergency conveyance device mechanic license may be issued by the office of state fire marshal when an emergency exists in the state due to a natural disaster, as declared by the president of the United States or the governor, or major work stoppage, and the requesting licensed conveyance device mechanic firm submits an attestation to the office of state fire marshal certifying each of the following:

(a) The number of licensed conveyance device mechanics in the state is insufficient to cope with the emergency or work stoppage, creating a shortage.

(b) The shortage of licensed conveyance device mechanics in the state jeopardizes the safety of the public.

(2) The requesting licensed conveyance device mechanic firm shall submit an attestation to the office of state fire marshal certifying that the person who seeks emergency licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities without direct or immediate supervision as determined by the office of state fire marshal.

(3) The emergency license shall be valid for a minimum period of sixty days from the date of issuance, shall entitle the licensee to the rights and privileges of a licensed conveyance device mechanic, and is valid only for the work performed for the licensed conveyance device mechanic firm that made the request pursuant to this Section. The emergency license may be extended but shall not exceed three hundred sixty-five days from the date of initial issuance, unless mitigating circumstances regarding the emergency declaration or work stoppage exist and are formally recognized by the state fire marshal and an extension of the emergency license is determined to be necessary.

(4) All attestations shall be submitted in the form of a notarized affidavit.

(5) Initial and renewal fees for emergency licenses shall be in accordance with Subparagraphs (C)(11)(a) and (b) of this Section.

~~M(4)~~ N.(1) The owner or his designee of an installed conveyance device, except those exempt pursuant to R.S. 40:1664.5, shall register the conveyance device with the office of state fire marshal.

(2) A firm that installs a conveyance device shall register the conveyance device with the office of state fire marshal within thirty days of its installation.

~~N(4)~~ O.(1) Subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, all monies received by the state fire marshal pursuant to this Subpart, including but not limited to fees and fines, shall be deposited immediately upon receipt in the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing such remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the state fire marshal pursuant to this Subpart into a special fund which is hereby created in the state treasury and designated as the Louisiana Life Safety and Property Protection Trust Fund.

(2) The monies in the Louisiana Life Safety and Property Protection Trust Fund shall be used solely for implementation, administration, and enforcement of this Subpart, and thereafter, for fire education or emergency response by the state fire marshal and only in the amounts appropriated each year to the state fire marshal or the board by the legislature. Any surplus monies and interest remaining to the credit of the fund on June thirtieth of each year after all such appropriations of the preceding fiscal year have been made shall remain to the credit of the fund, and no part thereof shall revert to the state general fund.

Section 2. R.S. 40:1664.9(O) is hereby enacted to read as follows:

§1664.9. Fees; license endorsements for firms and persons; certifications; Louisiana Life Safety and Property Protection Trust Dedicated Fund Account

~~N(4)~~ O.(1) Subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, all monies received by the state fire marshal pursuant to this Subpart, including but not limited to fees and fines, shall be deposited immediately upon receipt in the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing such remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the state fire marshal pursuant to this Subpart into a special statutorily dedicated fund account which is hereby created in the state treasury and designated as the Louisiana Life Safety and Property Protection Trust Dedicated Fund Account.

(2) The monies in the Louisiana Life Safety and Property Protection Trust Dedicated Fund Account shall be used solely for implementation, administration, and enforcement of this Subpart, and thereafter, for fire education or emergency response by the state fire marshal and only in the amounts appropriated each year to the state fire marshal or the board by the legislature. Any surplus monies and interest remaining to the credit of the account on June thirtieth of each year after all such appropriations of the preceding fiscal year have been made shall remain to the credit of the account, and no part thereof shall revert to the state general fund. Monies deposited into the account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriation bills and shall be available for annual appropriation by the legislature.

Section 3. The provisions of Section 2 of this Act shall supersede the provisions of Section 10 of Act No. 114 of the 2021 Regular Session of the Legislature that amend and reenact R.S. 40:1664.9(N).

Section 4.(A) Section 2 of this Act shall become effective when Section 10 of Act No. 114 of the 2021 Regular Session of the Legislature becomes effective.

(B) Sections 1 and 3 and this Section of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 580

HOUSE BILL NO. 1040

**BY REPRESENTATIVES LACOMBE, AMEDEE, DAVIS, FISHER,
FONTENOT, GOUDEAU, MCKNIGHT, MIGUEZ, NEWELL, PRESSLY, AND
THOMAS
AN ACT**

To enact R.S. 6:1055, relative to the transmission and delivery of funds; to provide relative to money transmission services; to provide for certain delivery time periods; to provide for notice of availability of funds; to provide for contracts and user agreements; to prohibit certain provisions; to provide for notice of violations; to provide relative to the application of unfair trade practices law; to provide for exceptions; to provide for enforcement by the commissioner of the office of financial institutions in certain situations; to provide for unauthorized or illegal acts; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:1055 is hereby enacted to read as follows:

§1055. Money transmitters; delivery of funds requirements; exceptions

A. Every money transmitter licensee and its agents shall transmit the monetary equivalent of all money or equivalent value received from a consumer for transmission, net of any fees, or issue instructions committing the money or its monetary equivalent, to the person designated by the consumer, or return such amount to the consumer, within ten business days after receiving the money or equivalent value, unless otherwise ordered by the consumer, accepted under the terms of a contract for stored value or when the transmission is for the payment of goods or services, or unless the licensee or its agent has reasonable cause to believe that a violation of law has occurred, is occurring, or will occur in connection with transmitting the money.

B. For purposes of this Section, money is considered to have been transmitted when it is mailed, released to the relevant payment system for delivery, or is otherwise available to the person designated by the consumer and, where possible, a reasonable effort has been made to inform the designated person that the money is available.

C.(1) Any provision in a money transmitter licensee user policy or user agreement which provides a financial penalty or stipulated damages against a consumer or charitable organization as defined by R.S. 51:1901, for executing a lawful and valid transaction under federal and state law is contrary to public policy and shall be null and void.

(2) A money transmitter licensee shall provide notice to a consumer of any transaction that the money transmitter finds to be or is suspected of being

in violation of the user policy or user agreement and for which the licensee seizes the transaction funds, unless such notice is prohibited by law. Any funds seized by the money transmitter prior to providing such notice, unless such notice is prohibited by law, and found to be from a lawful and valid transaction under federal and state law shall be processed by the licensee in accordance with Subsection A of this Section.

D. The enforcement of any choice-of-law provision in a money transmitter licensee user policy or user agreement that would result in a contravention of the public policy of this state as expressed by Subsection C of this Section shall be null and void to the extent of such contravention.

E. A money transmitter licensee that seizes or holds funds pursuant to a user policy or user agreement provision that is subject to nullification as provided by this Section shall return to the consumer any funds held or seized as a result of such violation, including any financial penalty or stipulated damages assessed, and such money transmitter licensee may cancel the service contract.

F. The commissioner of the Office of Financial Institutions shall have the authority to enjoin a violation of this Section, and any such violation shall be considered an unfair trade practice and shall subject violators to the provisions of R.S. 51:1401 et seq. Entities covered by this Section shall be subject to the enforcement powers of the commissioner of the Office of Financial Institutions as provided in R.S. 6:121.1. For purposes of this Section, the provisions of R.S. 51:1406 shall not apply to a money transmitter licensee.

G.(1) The provisions of this Section shall not apply to any federally insured financial institution, its subsidiaries, and affiliates.

(2) The provisions of this Section shall not apply to an operator of a payment system or its subsidiaries and affiliates which are exempt from licensing under The Sale of Checks and Money Transmission Act, R.S. 6:1031 et seq., to the extent that the operator of a payment system provides processing, clearing, or settlement services, between or among persons, in connection with wire transfers, credit card transactions, debit card transactions, stored value transactions, automated clearing house transfers, or similar funds transfers.

Approved by the Governor, June 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 581

HOUSE BILL NO. 1058

(Substitute for House Bill No. 387 by Representative Hollis)
BY REPRESENTATIVE HOLLIS

AN ACT

To amend and reenact R.S. 9:3198(A)(2)(a) and (3), relative to the sale of immovable property; to provide for property disclosure requirements regarding homeowners' associations; to provide for property disclosures regarding restrictive covenants and building restrictions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3198(A)(2)(a) and (3) are hereby amended and reenacted to read as follows:

§3198. Duties of the seller; delivery of property disclosure document; termination of real estate contract; information contained in document and inaccuracies; required disclosure of information relative to homeowners' associations and restrictive covenants; liability of seller

A.

* * *

(2)(a) Included with the property disclosure documents required by this Section shall be a statement statements of notification to the purchaser as to whether ~~or not~~ he is obligated to be a member of a homeowners' association as a homeowner in the community in which he is purchasing property and whether the residential property he is purchasing is subject to a common regime of restrictive covenants or building restrictions, or both.

* * *

(3) The statement shall inform the purchaser that the information included in the disclosure statement relative to any homeowners' association is summary in nature and that ~~the covenants and association governing documents restrictive covenants and building restrictions~~ are a matter of public record. ~~The statement shall further inform the purchaser how such documents can be obtained.~~ The statement shall also include notification to the purchaser that homeowners' association governing documents may be requested from the seller and how to obtain documents regarding any restrictive covenants and building restrictions governing the property to be purchased.

* * *

Section 2. This Act shall become effective January 1, 2023.

Approved by the Governor, June 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 582

HOUSE BILL NO. 1060
(Substitute for House Bill No. 338 by Representative Coussan)
BY REPRESENTATIVE COUSSAN
AN ACT

To amend and reenact R.S. 56:302.9(A)(1) and (3) and to enact R.S. 56:302.9(A) (4), relative to charter boat fishing licenses; to remove state requirement for a valid United States Coast Guard captain's license for freshwater charter boat fishing guides; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:302.9(A)(1) and (3) are hereby amended and reenacted and R.S. 56:302.9(A)(4) is hereby enacted to read as follows:

§302.9. Charter boat fishing guide license; nonresident fee

A.(1)(a) No person shall act as nor represent himself to be a saltwater charter boat fishing guide unless that person possesses a valid state charter boat fishing guide license, a valid captain's license issued by the United States Coast Guard, proof of liability insurance, and a valid state recreational fishing license that grants fishing privileges appropriate for his charter activity. In addition, any person acting as a saltwater charter boat fishing guide who is in charge of the operation of a vessel shall have his required licenses and proof of liability insurance on his person while on the water. It shall not be a violation of this Section for a person to represent himself as a charter boat fishing guide if that person held a valid license during the previous thirty days but has not renewed the license.

(b) No person shall act as or represent himself to be a freshwater charter boat fishing guide unless that person possesses a valid state charter boat fishing guide license, proof of liability insurance, and a valid state recreational fishing license that grants fishing privileges appropriate for his charter activity. In addition, any person acting as a freshwater charter boat fishing guide who is in charge of the operation of a vessel shall have his required licenses and proof of liability insurance on his person while on the water. It shall not be a violation of this Section for a person to represent himself as a charter boat fishing guide if that person held a valid license during the previous thirty days but has not renewed the license. The department shall provide written notification to the holder of a license issued pursuant to this Subparagraph that the holder may be subject to other requirements of law, including holding a valid captain's license issued by the United States Coast Guard.

* * *

(3) The nonresident charter boat fishing guide license shall be available only from the Baton Rouge office of the Department of Wildlife and Fisheries. Such licenses shall be issued on a consignment basis, and no agent fees shall apply. A nonresident saltwater charter boat fishing guide license shall be made available only to those persons who possess a valid captain's license issued by the United States Coast Guard.

(4) For the purposes of this Subsection, references to saltwater and freshwater shall be to the historic saltwater and freshwater areas described in R.S. 56:322(A) and (B).

* * *

Approved by the Governor, June 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 583

HOUSE BILL NO. 1062

(Substitute for House Bill No. 597 Representative Freeman)
BY REPRESENTATIVES FREEMAN, BEAULLIEU, COUSSAN,
DUPLESSIS, EDMONSTON, EMERSON, FRIEMAN, GLOVER, HARRIS,
HORTON, JEFFERSON, JENKINS, TRAVIS JOHNSON, LAFLEUR,
LARVADAIN, LYONS, GREGORY MILLER, NEWELL, CHARLES OWEN,
PIERRE, SCHAMERHORN, AND SEABAUGH

AN ACT

To amend and reenact R.S. 37:43 and to enact R.S. 49:953(C)(3) and 963(F) and (G), relative to occupational licensing; to allow an interested person to request review of a regulation issued by an occupational licensing board; to provide definitions; to allow for petition; to provide for procedure; to provide for judicial review; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:43 is hereby amended and reenacted to read as follows:

§43. Definitions

For purposes of this Chapter, the following words have the meaning herein ascribed to them, unless the context clearly indicates otherwise:

(1) "Active market participant" means an individual or entity that is any of the following:

(a) Licensed by an occupational licensing board.

(b) A provider of any service subject to the regulatory authority of an occupational licensing board.

(c) Subject to the jurisdiction of an occupational licensing board.

(2) "Active supervision" includes but is not limited to the Occupational Licensing Review Commission's responsibilities to do all of the following:

(a) Review the substance of an occupational regulation proposed by any occupational licensing board.

(b) Approve or disapprove with suggested amendments, or allow an occupational licensing board to withdraw for revision an occupational

regulation to ensure compliance with state policy.

(3) "Commission" means the Occupational Licensing Review Commission as provided for in R.S. 37:45.

(4) "Fiduciary" has the same meaning as that term is defined in R.S. 9:3801.

(5) "Least restrictive regulation" means, from least to most restrictive, all of the following:

- (a) Market competition.
- (b) Third-party or consumer-created ratings and reviews.
- (c) Specific private civil cause of action to remedy consumer harm as provided in the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.
- (d) Regulation of the process of providing the specific goods or services to consumers.
- (e) Inspection.
- (f) Bonding or insurance.
- (g) Registration.
- (h) Occupational license.

(6) "Occupational license" means a nontransferable authorization granted by an occupational licensing board for an individual or entity meeting ~~certain qualifications or personal qualifications, as that term is defined in Paragraph (1) of this Section, in order to fulfill a legitimate fiduciary, public health, safety, or welfare objective. In an occupation for which a license is required, it is unlawful for an individual or entity that does not possess a valid occupational license to perform the occupation for compensation.~~

(7) "Occupational licensing board" means any state executive branch board, commission, department, or other agency that is all of the following:

- (a) Regulates the entry of persons into, or regulating the conduct of persons within, a particular profession or occupation.
- (b) Authorized to issue and revoke occupational licenses or registrations.
- (c) Controlled by active market participants.

(8) "Occupational regulation" means a rule, regulation, restraint, practice, or policy allowing an individual to use an occupational title or work in a lawful occupation, including but not limited to registrations and occupational licenses in order to fulfill a legitimate fiduciary, public health, safety, or welfare objective or a financial, tax, or accounting objective. "Occupational regulation" excludes any license, permit, or regulation established by a parish or municipality.

(9) "Personal qualifications" means the criteria related to an individual's personal background and characteristics, including completion of an approved educational program, satisfactory performance on an examination or other assessment, work experience, other evidence of attainment of requisite skills or knowledge, moral standing, criminal history, and completion of continuing education.

~~(9) "Qualifications" means the criteria related to an entity's background and characteristics, including but not limited to the personal qualifications of certain persons associated with the entity, including but not limited to that or those of an individual's personal background and characteristics, including completion of an approved educational program, satisfactory performance on an examination or assessment, work experience, other evidence of attainment of requisite skills or knowledge, moral standing, criminal history, and completion of continuing education.~~

~~(10) "Registration" means a requirement to give notice to the state that may include the individual's or entity's name and address, the individual's or entity's agent for service of process, the location of the activity to be performed, and a description of the service the individual or entity provides. "Registration" does not include qualifications or personal qualifications but may require a bond or insurance. Upon the state's receipt of notice, the individual or entity may use "registered" as a designated title. "Registration" is not transferable.~~

~~(11) "State policy" means the policy described in R.S. 37:44.~~

Section 2. R.S. 49:953(C)(3) and 963(F) and (G) are hereby enacted to read as follows:

§953. Procedure for adoption of rules; agency rule review

* * *

C.

* * *

(3) Any interested person may request review of an occupational regulation by submitting a petition to the occupational licensing board that issued the regulation. An occupational licensing board shall review a regulation provided for in the petition for full compliance with the least restrictive regulation as set forth in R.S. 37:43 or R.S. 49:260, as applicable.

* * *

§963. Judicial review of validity or applicability of rules

* * *

F. With respect to the challenge of an occupational regulation, the plaintiff shall prevail if the court finds by a preponderance of evidence that the challenged occupational regulation on its face or in its effect burdens entry into a profession, trade, or occupation, and that an agency has failed to prove by a preponderance of evidence that the challenged occupational regulation is demonstrated to be necessary and narrowly tailored to fulfill legitimate fiduciary, public health, safety, or welfare objectives. Upon a finding for the plaintiff, the court shall enjoin further enforcement of the challenged occupational regulation and shall award reasonable attorney fees and costs to the plaintiff, except in the case of a challenged occupational regulation promulgated by an occupational licensing board that participates in the Department of Justice Occupational Licensing Review Program pursuant to

R.S. 49:260.

G. The provisions of this Chapter shall not apply to administrative rules promulgated pursuant to the Human Life Protection Act, R.S. 40:1061 et seq.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 584

HOUSE BILL NO. 1073

(Substitute for House Bill No. 801 by Representative GOUDEAU)
BY REPRESENTATIVES GOUDEAU, BACALA, BOURRIAQUE, BUTLER,
COUSSAN, DESHOTEL, DEVILLIER, ECHOLS, EDMONDS, FIRMENT,
FISHER, GAROFALO, GREEN, HARRIS, HORTON, HUVAL, MIKE
JOHNSON, LACOMBE, MCKNIGHT, MCMAHEN, NEWELL, ORGERON,
PIERRE, ROMERO, STAGNI, STEFANSKI, WHITE, AND ZERINGUE
AN ACT

To enact Part II-B of Chapter 21 of Title 37 of the Louisiana Revised Statutes of 1950, to

be comprised of R.S. 37:1891 through 1896, relative to scrap metal recyclers; to provide for the sale and purchase of catalytic converters; to provide definitions; to provide for fees; to provide for licensing requirements; to provide for record keeping; to provide for exceptions; to provide for fines and penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-B of Chapter 21 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1891 through 1896, is hereby enacted to read as follows:

PART II-B. CATALYTIC CONVERTER PURCHASERS

§1891. Short title

This Part shall be known and may be cited as the "Louisiana Catalytic Converter Sales Law".

§1892. Definitions

For purposes of this Part, the following words have the following meanings:

(1) "Catalytic converter" means an exhaust emission control device that reduces toxic gas and pollutants from internal combustion engines.

(2) "Catalytic converter purchaser" is a person licensed by the commission to buy detached catalytic converters pursuant to the provisions of this Part.

(3) "Commission" means the Louisiana Used Motor Vehicle Commission.

(4) "Person" includes any corporation, limited liability company, partnership, or two or more persons having a joint or common interest.

§1893. License required; application

A. No person shall do business as a catalytic converter purchaser in this state without having first obtained a business license from the commission. Any person desiring a license as a catalytic converter purchaser shall make an application in writing, specifying the address of the building where the business is to be carried on. A license issued pursuant to this Chapter shall be valid for two years.

B.(1) It shall be unlawful for any person, firm, association, corporation, limited liability company, or trust to engage in the business of purchasing used catalytic converters in this state without first obtaining a license as required by this Section.

(2) Any person, firm, association, corporation, limited liability company, or trust that engages in the business of purchasing used catalytic converters pursuant to this Section shall obtain and hold a current license to engage in the business of purchasing used catalytic converters.

C.(1) The commission shall create a form to be used as an application for licensure as a purchaser of used catalytic converters and shall provide the form to an applicant.

(2) The commission shall require all of the following information in the application:

(a) The name of the applicant.

(b) The street address of applicant's principal place of business and each additional place of business.

(c) The type of business organization of applicant.

(d) Whether the applicant has an established place of business and is engaged in the pursuit, avocation, or business for which each license is applied.

(e) Whether the applicant is able to properly conduct the business for which each license is applied.

(f) Any other pertinent information consistent with the safeguarding of the public interest and the public welfare.

(g) Any other information the commission deems necessary to enable it to fully determine the qualifications and eligibility of the applicants to receive a license.

(3) The applicant shall sign the application prior to submission to the commission.

(4)(a) Upon submission of an application, an applicant shall pay all applicable fees in accordance with this Section. If an application is denied and the license is not issued, the commission shall return all licensing fees to the applicant.

(b) Any licensee that submits a renewal application after the expiration date of an existing license shall be subject to a late penalty of one hundred dollars in addition to any penalty, fine, or cost assessed for operating without

a license which shall be paid to the commission.

(c) Any licensee having a previous license shall be presumed to be a renewal applicant.

(d) Any licensee changing its name, address, or ownership shall notify the commission within ten days of the change or be in violation of this Section.

(e) Any licensee ceasing to maintain its business shall surrender its license to the commission within ten days and any failure to do so shall constitute a violation.

D. The commission shall specify the location of the place of business on each license issued. If the business location is changed, the commission shall be notified immediately of the change and the commission may endorse the change of location on the license without charge. The license shall be posted in a conspicuous place in each place of business.

E. The commission shall promulgate rules to implement the provisions of this Section.

§1894. Exceptions

The provisions of this Part shall not apply to either of the following:

(1) A dealer licensed by the Louisiana Motor Vehicle Commission.

(2) A person possessing not more than one detached catalytic converter if there is documentation to indicate how the detached catalytic converter was acquired.

§1895. Requirements of purchaser and seller; record keeping

A. Except as otherwise provided for in this Section, it is unlawful for any person to possess, obtain or otherwise acquire, transport, or sell more than one used, detached catalytic converter or any nonferrous part of a catalytic converter without providing all of the following documentation to law enforcement upon request:

(1) The name and address of the residence or place of business of the person required to either keep the register and file reports or electronically maintain the data and generate the requested reports.

(2) The date and place of each purchase.

(3) The name and address of the person or persons from whom the material was purchased, including the distinctive number of each person's Louisiana driver's license, driver's license from another state, passport, military identification, or identification issued by a governmental agency or the United States Postal Service. If the person cannot produce any form of identification as provided for in this Paragraph at the time of purchase, the purchaser shall not complete the transaction.

(4) The motor vehicle license number of the vehicle or conveyance on which such material was delivered.

(5) A full description and photograph of all such material purchased.

(6) A picture of the person from whom the material was purchased.

B. All information obtained pursuant to Subsection A of this Section shall be kept for a period of three years and shall be made available for inspection by any peace officer, law enforcement official, or commission official at any time during the three-year period.

C. Any person who purchases a used detached catalytic converter shall obtain a signed statement from the seller prior to the purchase attesting that the catalytic converter has been paid for or is owned by the seller. A failure of the purchaser to obtain a statement from the seller shall be prima facie evidence of the fraudulent intent and guilty knowledge on the part of the purchaser within the meaning of this Part and shall be sufficient to warrant a conviction. A purchaser who obtains the required statement from the seller shall be exonerated from any fraudulent, willful, or criminal knowledge within the meaning of this Chapter.

D. It is unlawful to provide any false, fraudulent, altered or counterfeit information or documentation as required by this Section.

§1896. Failure to comply; penalty

A. Anyone acting as an unlicensed catalytic converter purchaser in violation of the provisions of this Part shall be fined not less than five hundred dollars and be imprisoned not less than thirty days nor more than sixty days per violation as provided for in Subsection D of this Section.

B. For a second offense, the violator shall be fined not more than two thousand dollars and be imprisoned with or without hard labor for not more than two years per violation as provided for in Subsection D of this Section.

C. For a third or subsequent offense, the violator shall be fined not more than ten thousand dollars and be imprisoned with or without hard labor for not more than five years per violation as provided for in Subsection D of this Section.

D. Each unlawfully obtained, possessed, or transported used, detached catalytic converter is a separate violation that subjects the individual or entity to a separate charge. Upon conviction, the court may order the individual or entity to pay restitution for the value of the repair and replacement of the catalytic converter or be held liable as otherwise provided by law.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 585

HOUSE BILL NO. 1075

(Substitute for House Bill No. 861 by Representative St. Blanc)

BY REPRESENTATIVE ST. BLANC

AN ACT

To amend and reenact R.S. 17:407.62(7), 407.64(B), and 407.66(A)(2) and R.S. 40:1563.2 and to enact R.S. 17:407.62(8) and (9), relative to family and in-home child care providers; to provide relative to the inspection of such providers; to provide relative to the powers and duties of the state Department of Education and the office of state fire marshal with respect to such providers; to provide for the transfer and use of monies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:407.62(7), 407.64(B), and 407.66(A)(2) are hereby amended and reenacted and R.S. 17:407.62(8) and (9) are hereby enacted to read as follows:

§407.62. Definitions

As used in this Part, the following definitions shall apply unless the context clearly states otherwise.

* * *

(7) "Office" means the office of state fire marshal.

(8) "Relative" or "related" means the child, grandchild, niece, or nephew of the primary child care provider of a family child care provider or in-home provider.

(9) "Sponsoring organization" means a public or nonprofit private organization that is recognized by the department and that is entirely responsible for the administration of the Child and Adult Care Food Program for a provider.

* * *

§407.64. Rules and regulations; inspection requirements

* * *

B.(1) Each registered family child care provider and in-home provider shall be inspected and approved by the office of state fire marshal in accordance with this Subsection and the rules and regulations as established pursuant to Subsection A of this Section, developed in consultation with the office of state fire marshal.

(2) Office personnel shall conduct all initial inspections of new and relocated family child care providers. The office shall conduct inspections on all other family child care providers triennially.

(3) Inspections shall be conducted and documented annually, in accordance with the rules and regulations established pursuant to this Section, by the office's authorized agent including but not limited to a representative from a sponsoring organization.

(4) The office shall audit inspections conducted by authorized agents in accordance with the rules and regulations established pursuant to this Section.

* * *

§407.66. Fees

A.

* * *

(2) A fee shall be charged to cover the cost of inspection for family child care providers and in-home providers regulated by the State Board of Elementary and Secondary Education in accordance with R.S. 17:407.64(A). The fee shall be set at thirty forty dollars per inspection conducted by the office or an authorized agent, and money collected shall be used for the sole purpose purposes of employing personnel to perform such inspections, audits pursuant to R.S. 17:407.64(B), and to implement and maintain supportive technologies.

* * *

Section 2. R.S. 40:1563.2 is hereby amended and reenacted to read as follows: §1563.2. Inspection of family day care homes; inspection fees

A. The state fire marshal or his designee shall inspect family child day care homes providers as defined in R.S. 17:407.62 in which there are fewer than seven children receiving care, whether certified by the Department of Children and Family Services or the Department of Education.

B.(1) (2) The state fire marshal shall collect a fee, for all required inspections, of thirty dollars per inspection pursuant to R.S. 17:407.66. The state fire marshal shall not collect any other fees for the inspections and all fees collected shall be used to employ personnel to perform the inspections and audits and to implement and maintain supportive technologies.

(3) (2) All inspections shall be conducted on an annual basis.

(4) (3) The inspections shall assure that the family child day care home care provider meets the minimum requirements set forth by the Department of Children and Family Services and the Department of Education.

C.(4) All fees collected by the office of state fire marshal for these inspections shall be deposited immediately upon receipt into the state treasury.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 586

HOUSE BILL NO. 1078

(Substitute for House Bill No. 1049 by Representative Seabaugh)
BY REPRESENTATIVES SEABAUGH, CREWS, DESHOTEL, FIRMENT,
FRIEMAN, GAROFALO, HARRIS, TRAVIS JOHNSON, MCCORMICK,
MCFARLAND, CHARLES OWEN, ROMERO, SCHAMERHORN,
THOMPSON, AND WHITE AND SENATOR ROBERT MILLS

AN ACT

To enact Part IV-A of Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4351.1 through 4351.16, relative to forestry and agriculture; to authorize the creation of the timber and agriculture transportation group self-insurance fund; to provide with respect to group self-insurance funds; to provide for requirements; to provide for definitions; to provide with respect to the qualifications for membership; to provide for regulatory authority; to provide for excess or reinsurance insurance; to provide for the management of assets and investments; to provide for liabilities and the payment of claims; to provide for audits, examinations, and investigations; to provide for licensed insurance producers; to provide for insolvencies; to provide for civil actions for enforcement; to provide for reporting; to provide penalties for noncompliance; to provide for due process rights; to provide for dissolution; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Part IV-A of Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:4351.1 through 4351.16, is hereby enacted to read as follows:

**PART IV-A. LOUISIANA TIMBER AND AGRICULTURE
TRANSPORTATION GROUP SELF-INSURANCE FUNDS**

§4351.1. Definitions

Wherever used in this Part, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall have the following meanings:

(1) “Bona fide trade or professional association” means an active trade or professional association that is chartered and domiciled in Louisiana, or a successor organization thereof, that meets all of the following requirements:

- (a) Promotes Louisiana timber or agriculture production.
- (b) Provides industry support and services to its membership.
- (c) Is organized or created for purposes other than the sponsorship, operation, or management of a fund or to provide a related employee safety program or other activity necessary to the operation of the fund.
- (d) Has been in existence and conducted regular meetings for a period of not less than five years.

(2) “Department” means the Department of Insurance.

(3) “Fund” means the self-insurance fund established pursuant to this Part to provide automobile coverage for timber transportation vehicles, agriculture transportation vehicles, or a combination of both types of vehicles and shall be known as the Louisiana Agriculture Transportation Group Self-Insured Fund.

(4) “Hazardous financial condition” means a condition in which, based upon its present or reasonably anticipated financial condition, the fund, although not yet financially impaired or insolvent, is unlikely to be able to:

- (a) Meet obligations with respect to known claims and reasonably anticipated claims.
- (b) Pay other obligations in the normal course of business.

(5) “Insolvency” means the condition existing when the fund’s liabilities are greater than the fund’s assets as determined in accordance with generally accepted accounting principles as delineated in the fund’s financial statement audited by an independent certified public accountant and calculated before a member distribution is payable or before a dividend is declared.

(6) “Operator” means a person, partnership, corporation, or limited liability company who owns or operates a timber or agriculture transportation vehicle.

(7) “Principal” means a person or persons who own a majority interest or the majority of the stock in a corporation, partnership, or limited liability company that is established for the purpose of operating a timber or agriculture business and is a member of the fund.

(8) “Timber or agriculture transportation vehicle” means a vehicle or automobile used to collect and transport timber or agriculture products, or used in the course and scope of a timber or agriculture business, or used by an operator or principal.

(9) “Timber or agriculture transportation vehicle coverage” means automobile coverage for a timber or agriculture transportation vehicle that includes any of the following:

- (a) Liability payment for bodily injury caused by the operator of a timber or agriculture transportation vehicle.
- (b) Collision coverage to provide payment for repairs or replacement of a timber or agriculture transportation vehicle.
- (c) Comprehensive coverage to provide payment to repair or replace the timber or agriculture transportation vehicle if it is damaged by some means other than a collision.
- (d) Uninsured motorist coverage as defined in R.S. 22:1295.

§4351.2. Authorization; trade or professional association; initial financial requirements

A.(1) Five or more Louisiana timber or agriculture operators that are not public entities, each of which has a positive net worth, is financially solvent, and is capable of assuming the obligations set forth under this Part, and that are all members of one or more bona fide trade or professional associations, may agree to pool their liabilities for timber or agriculture transportation vehicle coverages as provided by this Part. This arrangement shall not be deemed to be an insurer or insurance and shall not be subject to the Louisiana Insurance Code, unless specifically referenced in this Part. The members of the arrangement likewise shall not be insurers or be subject to the Louisiana Insurance Code.

(2) An agreement to pool liabilities under this Part shall be set forth in an indemnity agreement signed by the members and fund representatives acknowledging and agreeing to the assumption of the liabilities as set forth

in this Part.

(3) The arrangement shall not be a member insured of the Louisiana Insurance Guaranty Association, nor shall the Louisiana Insurance Guaranty Association be liable under any circumstances for any claims, or increments of any claims, made against the arrangement.

(4) The arrangement may include the establishment of a trust fund by a trade or professional association for its members, and the arrangement, whether established by association members or by an association, shall be known as the group self-insurance fund for timber or agriculture transportation vehicle coverage and shall be governed by a board of trustees.

(5)(a) The arrangement shall be domiciled in the state of Louisiana. All books, records, documents, accounts, and vouchers shall be kept in such a manner that the arrangement’s financial condition, affairs, and operations can be ascertained so that its financial statements filed with the department of insurance can be readily verified and its compliance with the law determined. Any or all books, records, documents, original indemnity agreements, accounts, and vouchers may be photographed or reproduced on film. Any photographs, microphotographs, optical imaging, or film reproductions of any original books, records, documents, original indemnity agreements, accounts, and vouchers shall for all purposes, including but not limited to admission into evidence in any court or adjudicatory proceeding, be considered the same as the originals thereof, and a transcript, exemplification, or certified copy of any such photograph, microphotograph, optical imaging, or film reproduction shall for all purposes be deemed to be a transcript, exemplification, or certified original. Any original considered reproduced may thereafter be disposed of or destroyed, as provided for in Subparagraph (b) of this Paragraph, if provision is made for preserving and examining the reproduction.

(b) Except as otherwise provided in Subparagraph (a) of this Paragraph, original books, records, documents, accounts, and vouchers, or such reproductions thereof, shall be preserved and kept in this state for the purpose of examination and until the authority to destroy or otherwise dispose of the records is secured from the department. All original records, or certified reproductions thereof, shall be maintained for the period commencing on the first day following the last period examined by the department through the subsequent examination period, or three years, whichever is longer, except that any original, or certified reproduction thereof, whereby the member agrees to or acknowledges such member’s solidary liability for liabilities of the fund shall be permanently maintained.

(6)(a) In order to maintain financial stability in the fund, the department shall at all times require one of the following:

(i) Two or more members of the fund shall maintain a minimum combined net worth of one million dollars and a ratio of current assets to current liabilities of at least one-to-one.

(ii) Five or more principals of members of the fund who have a combined net worth of one million dollars and a ratio of current assets to current liabilities of at least one-to-one.

(b) Once the fund has been operating for three years and has a total surplus of three million dollars, the department may waive the requirements of Subparagraph (a) of this Paragraph.

(7)(a) In order to further maintain the financial stability of the fund, the fund shall assess each member an amount which is equal to a certain percentage of the premium dollars owed by the member and the percentage paid shall be known as a reserve payment. The percentage amount to be paid by all members shall be approved by the department.

(b) All reserve payments shall be deposited into a separate account known as the reserve account and shall be maintained at all times that the fund is in operation. No payments may be paid out of the reserve account unless approved by the department.

B. The fund shall submit to the department an application, on an application form prescribed and furnished by the department, for authority to act as a group self-insurance fund for timber and agriculture transportation vehicle coverage. The application shall include evidence of the fund’s inception, which establishes financial strength and liquidity of the members to pay timber and agriculture transportation vehicle claims promptly and support the financial ability of the fund to satisfy its obligations upon the establishment of the fund, including:

(1) Financial statements, dated not less than one year prior to the application, audited by an independent certified public accountant, showing at the inception of the fund a combined net worth of those members or principals of not less than the amount required by Subsection A of this Section.

(2) Current financial statements of all other members dated not less than one year prior to the application.

(3) Schedules of the entire membership showing:

(a) The ratio of current assets to current liabilities of all members combined to be greater than one-to-one.

(b) The working capital of all members combined to be of an amount establishing financial strength and liquidity of the members to pay timber and agriculture transportation vehicle claims promptly.

(c) The net worth of all members combined to be not less than the amount required by Subsection A of this Section.

(4) Other financial information and documents as required by the department.

(5) The application shall be in writing, on a form provided by the department, and the application shall comply with all of the following:

(a) Applications shall be submitted to the department at least ninety days

prior to the effective date of the establishment of a fund. Any application submitted with fewer than ninety days remaining before the desired effective date, or which does not contain answers to all questions, or which is not sworn to and subscribed before a notary public, or which does not contain all required documents, statements, reports, and required information, may be returned without review by the department.

(b) All applications shall be accompanied by the following items:

(i) The properly completed indemnity agreement in a form acceptable to the department pursuant to Paragraph (A)(2) of this Section.

(ii) Security as required by this Part.

(iii) Copies of acceptable excess insurance or reinsurance, as required by this Part. All excess insurance or reinsurance shall be approved by the department prior to use.

(iv) A bond covering each third-party administrator as provided by this Part. If the fund employs its own administrator, the fund shall be required to purchase a bond, errors-and-omission insurance, directors-and-officers insurance, or other security approved by the department for the administration of the fund.

(v) A certification from a designated depository attesting to the amount of monies on hand.

(vi) Copies of fund bylaws and any trust agreement or other governance documents.

(vii) Individual application of each member of the fund applying for membership in the fund on the effective date of the fund and copies of each member's executed indemnity agreements.

(viii) Evidence of financial strength and liquidity of the members dated as of the date of the filing of the application to satisfy the financial strength and liquidity requirements of this Part.

(ix) Proof that the fund shall have the minimum annual earned normal premium required by this Part.

(x) The current annual report or financial statement of any casualty insurance company providing excess or reinsurance coverage for the fund meeting the requirements of this Part, if the statement is not already on file with the department.

(xi) The name, address, and telephone number of each attorney representing the fund, each qualified actuary for the fund, and each certified public accountant who will be auditing the annual financial statements of the fund, as well as evidence of appointment of each by the fund.

(xii) The domicile address in this state where the books and records of the fund will be maintained, and the state from which the fund will be administered.

(xiii) Proof of advance payment to the fund by each initial member of the fund of not less than twenty-five percent of that member's first year estimated annually earned normal premiums.

(xiv) A feasibility study or other analysis prepared by a qualified actuary utilizing actual loss history of the initial members of the fund.

(xv) Pro forma financial statements projecting the first three years of operations of the fund based upon a feasibility study or other analysis prepared by a qualified actuary. The pro forma financial statements shall include a pro forma balance sheet, income statement, and statement of cash flow, each of which shall be prepared in accordance with generally accepted accounting principles.

(xvi) A copy of the fund's premium billing policy indicating whether the premium payments to the fund will be paid by members annually, monthly, quarterly, or any combination thereof.

§4351.3. Requirements; excess insurance; administrative and service companies; status; liability; refunds

A. The fund established pursuant to R.S. 3:4351.2 shall:

(1) File rates in accordance with R.S. 3:4351.7 and maintain at least seven hundred and fifty thousand dollars in earned premiums in the first fund year. For the second and each subsequent year, the fund shall maintain at least two million dollars in earned premiums. The amounts maintained shall be documented on the fund's audited financial statement prepared in accordance with generally accepted accounting principles.

(2)(a) During the first fund year, deposit with the department a safekeeping receipt or trust receipt from a bank doing business in this state or from a savings and loan association chartered to do business in the state indicating that the fund has deposited and has pledged one hundred thousand dollars in money or bonds of the United States, the state of Louisiana, or any political subdivision thereof, of the par value of one hundred thousand dollars, or post a surety bond issued by a corporate surety authorized to do business within the state, in the amount of one hundred thousand dollars, to secure the obligations of the fund under this Part.

(b) During the second and subsequent fund years, deposit with the department a safekeeping receipt or trust receipt from a bank doing business in this state or from a savings and loan association chartered to do business in this state indicating that the fund has deposited and has pledged two hundred fifty thousand dollars in money or bonds of the United States, the state of Louisiana, or any political subdivision thereof, of the par value of two hundred fifty thousand dollars, or post a surety bond issued by a corporate surety authorized to do business within the state, in the amount of two hundred fifty thousand dollars, to secure the obligations of the fund under this Part.

(3) Provide timber and agriculture transportation vehicle coverage as required by this Part.

(4) Maintain at all times, on a fund-year basis, a contract or contracts of

specific excess insurance or reinsurance of not less than two million dollars per occurrence and aggregate excess insurance or reinsurance of not less than two million dollars. The maximum retention under the excess insurance or reinsurance contracts shall not exceed amounts as may be provided by the department by regulation. Solely for the purposes of authorizing the purchase of reinsurance permitted under this Subsection, the fund shall be deemed an insurer. The excess insurance or reinsurance shall be purchased only from a company having a rating of A- by A.M. Best Company, A- by Fitch Ratings, A by Weiss Ratings, A- by Standard & Poor's, or A3 by Moody's Investors Services, or better, and this reinsurance may be purchased from admitted or nonadmitted companies, provided that the provisions of R.S. 22:651 through 661, and Financial Accounting Standard Number 113 as promulgated and updated by the Financial Accounting Standards Board, shall apply to all such reinsurance. All excess insurance policies or reinsurance agreements shall be approved by the department prior to use by the fund.

(5) File with the department financial statements and reports, including financial statements audited by an independent certified public accountant and actuarial reports, as may be required by the department through rules promulgated pursuant to the Administrative Procedure Act.

B. For any casualty insurance company to be eligible to write excess coverage for the fund, the company shall at all times have on file with the department its current financial statement showing assets, including surplus to policyholders, at least equal to the current requirements by the department for admission of a new company to do business in the state. Contracts or policies for excess insurance coverage written by active underwriters of Lloyd's of London shall be acceptable upon prior approval by the department.

C. Any fund administrator contracted by the fund and whose acts are not covered by the fund's bond, errors-and-omissions insurance, directors-and-officers' insurance, or other security approved by the department, and any person, which shall include an individual, partnership, corporation, and other entity contracting, either directly or indirectly, with a fund to provide claims adjusting, underwriting, safety engineering, loss control, marketing, investment advisory, or administrative services to the fund or its membership, other than bookkeeping, or auditing, or claims investigation services to the fund shall:

(1) Post with the department a surety bond issued by a corporate surety authorized to do business in the state of not less than fifty thousand dollars or deposit with the department a safekeeping receipt or trust receipt from a bank doing business in this state or from a savings and loan association chartered to do business in the state indicating that the person has deposited fifty thousand dollars in money or bonds of the United States, the state of Louisiana, or any political subdivision thereof, of the par value of fifty thousand dollars, to secure the performance of its obligations under the contract and under this Part.

(2) Place all terms, agreements, fee arrangements, and any other conditions in a written agreement, which shall constitute the entire agreement between the parties, signed by the person and the fund.

D. The fund in this Part shall not be considered a partnership under the laws of the state.

E. Fund members shall be solidarily liable for liabilities of the fund incurred by the fund after the inception of the fund year in which the operator becomes a member of the fund, to the extent required by this Part.

F. Any monies in excess of the amount necessary to fund all obligations of the fund may be declared as refundable to the members of the fund by the board of trustees. The board of trustees shall be authorized to distribute the refund at its discretion, in accordance with the agreement establishing the fund and the following conditions:

(1) The amount of the distribution shall not exceed the members' distributions payable recorded on the balance sheet as indicated by the most recently completed audited financial statements of the fund.

(2) No later than ten days before the payment of a distribution, the fund shall provide written notification to the department.

G. Any funds which are not guaranteed by a guaranty fund shall give written notice of the lack of a guaranty to the department and the members of the fund.

§4351.4. Investments

A. No security or other investment shall be eligible for purchase or acquisition by the fund unless it is interest-bearing or interest-accruing or dividend- or income-paying, and is not then in default in any respect, and the fund is entitled to receive for its exclusive account and benefit the interest or income accruing thereon.

B. Amounts not needed for current obligations may be invested by the board of trustees, only as provided in this Section, in any or all of the following:

(1) Deposits in federally insured banks or savings and loan associations when any one of the following applies:

(a) The deposits are insured by the Federal Deposit Insurance Corporation.

(b) The deposits are collateralized by direct obligations of the United States government.

(2) Bonds or securities not in default as to principal or interest, which are obligations of the United States government or of any agency of the United States government, without limitation.

(3) Pass-through mortgage-backed securities and collateralized mortgage obligations issued by the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Housing Administration, without limitation, provided that the collateralized mortgage obligations have a minimum rating

of A by Moody's, Standard & Poor's, or Fitch.

(4) Obligations of the state of Louisiana or its subdivisions having a minimum rating of A by Moody's, Standard & Poor's, or Fitch. Not more than five percent of the fund's assets may be invested in any particular issue and the type of investment cannot exceed fifteen percent of the fund's assets in the aggregate.

(5) Obligations of any state or its subdivisions having a minimum rating of A by Moody's, Standard & Poor's, or Fitch. Not more than five percent of the fund's assets may be invested in any particular issue and the type of investment cannot exceed fifteen percent of the fund's assets in the aggregate.

(6) Commercial mortgage-backed securities with purchases having a minimum rating of Aaa by Moody's, AAA by Standard and Poor's, or AAA by Fitch. Not more than two percent of the fund's assets may be invested in one issue, and this type of investment shall not exceed ten percent of the fund's assets in the aggregate.

(7) Asset-backed securities with purchases having a minimum rating of Aa by Moody's, AA by Standard and Poor's, or AA by Fitch. No more than five percent of the fund's assets may be invested in one issue, and this type of investment cannot exceed ten percent of the fund's assets in the aggregate.

(8) Repurchase agreements, without limitation, when the collateral for the agreement is a direct obligation of the United States government, provided that the repurchase agreement shall meet all of the following specifications:

(a) Be in writing.

(b) Have a specific maturity date.

(c) Adequately identify each security to which the agreement applies.

(d) State that in the event of default by the party agreeing to repurchase the securities described in the agreement at the term contained in the agreement, title to the described securities shall pass immediately to the fund without recourse.

(9) Corporate bonds, subject to the following limitations:

(a) The bonds shall have a minimum rating of Baa by Moody's, BBB by Standard and Poor's, or BBB by Fitch.

(b) Except as provided in Subparagraph (d) of this Paragraph, not more than five percent of the fund's assets may be invested in corporate bonds of any particular issue or issuer.

(c) Except as provided in Subparagraph (d) of this Paragraph, not more than fifty percent of the fund's assets may be invested in corporate bonds of all types.

(d) The five percent and fifty percent limitations specified in Subparagraphs (b) and (c) of this Paragraph, respectively, may be exceeded up to an additional ten percent of the fund's assets in the event, and only in the event, of financial circumstances acceptable to the department, such as an increase in market value after initial purchase of a corporate bond, provided that:

(i) The initial purchase of corporate bonds was within the limitations specified in Subparagraphs (b) and (c) of this Paragraph.

(ii) For the purpose of determining the financial condition of the fund, the department shall not include as assets of the fund those corporate bonds which exceed fifty percent of the fund's total assets.

(10) Mutual or trust fund institutions registered with the Securities and Exchange Commission under the Securities Act of 1933 and the Investment Company Act of 1940 which have underlying investments consisting solely of securities approved for investment as set forth in this Subsection. This type of investment shall not exceed fifty percent of the fund's assets in the aggregate.

(11)(a) Equities subject to all of the following limitations:

(i) The equity sector shall not exceed fifteen percent of the overall investment fund.

(ii) A minimum of five different issues shall be held in the equity sector to provide for diversification.

(iii) No single issue may represent more than five percent, at cost, of the overall investment fund.

(iv) Market capitalization of each issue shall be at least one billion dollars.

(v) Each eligible issue shall be paying a cash dividend.

(vi) Except as provided in Subparagraph (b) of this Paragraph, equity holdings shall be restricted to high quality, readily marketable securities corporations that are domiciled in the United States and that are actively traded on the major United States exchanges, including the New York Stock Exchange and the National Association of Securities Dealers Automated Quotation Stock Market, LLC.

(b) Foreign domiciled corporations are eligible if they trade American Depositary Receipts on the major United States exchanges.

(c) In lieu of individual securities, investment in a mutual fund or exchange traded fund which pays a dividend and consists of securities which have an average market capitalization of at least one billion dollars shall be permitted. The same general quality constraints shall be met and the aggregate total of the funds, plus any individual securities, may not exceed fifteen percent of the overall investment fund.

C. The fund shall not invest in rental assets, which for the purposes of this Section shall include but not be limited to any of the following:

(1) Any item carried as an asset on the fund's balance sheet which is not, in fact, actually owned by the fund.

(2) Any item carried as an asset on the fund's balance sheet, the ownership of which is subject to resolution, rescission, or revocation upon the fund's insolvency, receivership, bankruptcy, statutory supervision, rehabilitation, liquidation, or upon the occurrence of any other contingency.

(3) Any item carried as an asset on the fund's balance sheet for which the

fund pays a regular or periodic fee for the right to carry the item as an asset, whether the fee is characterized as a rental, a management fee, or a dividend not previously approved by the department, or other periodic payment for such right. This provision is not intended to apply to leases capitalized under generally accepted accounting principles.

(4) Any asset purchased for investment by the fund on credit whereby the interest rate paid by the fund on its credit instrument is greater than the interest rate or yield generated by the purchased asset.

(5) Any item carried by the fund as an asset on its balance sheet which is subject to a mortgage, lien, privilege, preference, pledge, charge, or other encumbrance which is not accurately reflected in the liability section of the fund's balance sheet.

(6) Any asset received by the fund as a contribution to capital or surplus from any person which meets any of the criteria set forth in Paragraphs (1) through (5) of this Subsection while in the hands of that contributing person, or at the moment of the contribution to capital, or thereafter.

§4351.5. Authority of Department of Insurance

A. The fund shall not become operative until issued a certificate of authority by the department. Except for the certificate of authority, the department shall keep confidential all documents and records associated with the provision of this Section.

B. The certificate of authority shall be continuous until revoked or suspended by the department, or until it is voluntarily surrendered by the fund.

C.(1) The department shall have the authority to examine the affairs, books, transactions, workpapers, files, accounts, records, assets, and liabilities of the fund to determine compliance with this Part and with any rules and regulations promulgated by the department or orders and directives issued by the department. In addition, to the extent necessary and material to the examination of the fund, the department shall have the authority to examine the affairs, books, transactions, workpapers, files, accounts, and records of the fund's administrator, service company, certified public accountant, or actuary generated in the course of transacting business on behalf of the group self-insurance fund being examined. All examinations shall be conducted in accordance with the provisions of this Part. The reasonable expenses of the examinations shall be paid by the fund.

(2) Upon the request of the department, the group self-insurance fund established pursuant to this Part shall cause a rate review to be conducted by a national independent actuarial firm, provided that the department shall not make more than two requests in any calendar year for a rate review under the provisions of this Subsection. The firm shall report its findings to the department.

(3) All work papers, recorded information, documents, information, and copies thereof produced by, obtained by, or disclosed to the department or any other person, pursuant to the authority of the department under this Part, shall be given confidential treatment and shall not be subject to subpoena, except in the following circumstances:

(a) Information sought has been provided pursuant to R.S. 3:4351.10(C) or R.S. 3:4351.11(D).

(b) Documents sought are audited financial statements which have been filed with the department.

D. The department shall have authority to issue cease and desist orders and suspend or revoke the certificate of authority of the fund which the department determines is not in compliance with this Part or with any rule promulgated by the department pursuant to the Administrative Procedure Act or order or directive issued by the department. Without limiting the generality of the provisions of this Subsection, a cease and desist order may include a prohibition on writing or incurring any new or renewal business by the fund.

E. Upon the determination by the department that the fund or any trustee, member, officer, director, or employee of the fund failed to comply with the provisions of this Part, any applicable laws relating to the fund, or any rule promulgated by the department or order or directive issued by the department, the department may levy a fine not to exceed two thousand dollars for each violation. If the conduct for which a previous fine was levied by the department is committed again, the department may levy a fine not to exceed four thousand dollars. The enforcement of any fine and any appeal from a fine shall be conducted in accordance with the Administrative Procedure Act.

F. The division of administrative law shall conduct a hearing in accordance with R.S. 22:2191.

G. Nothing in this Section shall prohibit the legislative auditor from reviewing records and conducting an audit in accordance with R.S. 24:513.

H.(1) The department is authorized to order the group self-insurance fund to submit a corrective action plan to the department for its approval to remediate any noncompliance or financial issues affecting the fund. This authority is in addition to any other authority the department holds.

(2) The corrective action plan shall be submitted by the fund to the department for its approval and include standards, time frames, and other parameters acceptable to the department. Any corrective action plan that is submitted to the department by the fund shall be kept confidential by the department.

(3) Without limiting the discretion of the department, the corrective action plan may include any of the following:

(a) Mandatory training.

(b) On-site or off-site monitoring and supervision of the activities of the fund

for a specified period of time to determine progress regarding correction of deficiencies.

(c) The submission of written progress reports.

(d) The institution of measures to conserve or generate additional funding for the fund.

(e) The imposition of fines and penalties for any misconduct which contributed to the need for the imposition of the corrective action plan.

(4) Failure by the group self-insurance fund to comply with a corrective action plan approved by the department may result in any of the following:

(a) The imposition of fines and penalties.

(b) Revocation of the fund's certificate of authority.

(c) Placement of the fund into administrative supervision, pursuant to R.S. 22:731, et seq.

(d) Placement of the fund into receivership, pursuant to R.S. 22:2001, et seq. §4351.6. Licensing of agents; claims against insurance agents

A. Any person soliciting membership for the fund shall be licensed by the department as a property and casualty producer, pursuant to R.S. 22:1571, et seq. No employee of a bona fide trade or professional association which has established the fund or employee of the fund shall be required to be licensed if the solicitation of membership for the fund is not the primary duty of the employee.

B. No action shall lie against an insurance producer or other person involved in the marketing, selling, or solicitation of participation in the fund authorized by this Part for any claims arising out of the insolvency of the fund or the inability of the fund to pay claims as the claims become due unless and until any claimant shall have first exhausted all remedies available to him against the members of the fund as provided by this Part.

§4351.7. Rates; filing; review of rate determination

A. The fund shall file rates on an actuarially justified basis with the department and may use the rates ninety days after filing, unless the department disapproves the use of rates within the ninety-day period.

B. The fund shall provide a reasonable procedure for any member aggrieved by the fund to request in written form a review of the application of the rating system for the coverage afforded by the fund. The fund shall have thirty days from receipt to grant or deny the request in written form. If the fund rejects the request or fails to grant or reject the request within the thirty-day period, the member may, within thirty days of the expiration of the thirty-day period, appeal to the division of administrative law for a hearing in accordance with the provisions of the Administrative Procedure Act. After the hearing, the administrative law judge may affirm, modify, or reverse the action taken by the fund.

§4351.8. Consecutive net losses

If the fund has three years of consecutive net losses on the audited financial statements of the fund, or two years of consecutive net losses on the audited financial statements of the fund in excess of five hundred thousand dollars or five percent of the premium of the latest audited financial statement, whichever is greater, an authorized representative of the fund shall:

(1) Attend a meeting with the department, the administrator of the fund, any third-party administrator contracted or performing services for the fund, and the fund's board of trustees to discuss the financial condition of the fund and to advise the department of the course of action the fund will take to obtain net incomes on subsequent audited financial statements.

(2) File with the department a written and signed plan from the fund's board of trustees describing the actions the fund will take to generate net incomes on subsequent audited financial statements.

(3) Obtain an actuarial rate analysis, if an actuarial rate analysis was not performed for the previous fund year.

§4351.9. Insolvencies

A. In the event the fund is insolvent, then in addition to any other provision of law or rule, the department shall require that the fund files a plan in writing within sixty days from the date that the fund becomes aware of the insolvency and the plan shall be signed by the board of trustees. For the purpose of determining insolvency, assets will not include intangible property, such as patents, trade names, or goodwill. The plan submitted by the fund to eliminate the insolvency shall set forth in detail the means by which the fund intends to eliminate the insolvency, and may include an assessment of the members of the fund. The fund shall also include the timetable for the implementation of the plan and requirements for reporting to the department. The department shall review the plan submitted by the fund and notify the fund of the plan's approval or disapproval within thirty days of the department's receipt of the plan.

B. Upon determination by the department that a plan submitted by the fund is disapproved or that the fund is not implementing a plan in accordance with the terms of the plan, it shall notify the fund in writing of the determination.

C. If the fund fails to file a plan to eliminate an insolvency as called for pursuant to this Section, or if the department notifies the fund that the plan has been disapproved or that the fund is not implementing the plan according to the plan, the department shall have the following powers and authority in addition to any other powers and authority granted under law:

(1) To order the fund to immediately levy an assessment upon its members in an amount sufficient to eliminate the insolvency.

(2) To levy an assessment, in the name of the fund, upon the members of the fund sufficient to eliminate the insolvency if the fund fails or refuses to levy the assessment.

D.(1) In addition to any other powers of the department, in the event that the group self-insurance fund is insolvent, operating in a hazardous

financial condition, or operating in violation of the requirements of this Part, the department is hereby expressly authorized to institute delinquency proceedings against the fund, including entering an order for injunctive relief or placing the fund into administrative supervision, pursuant to R.S. 22:731, et seq. or into receivership, pursuant to R.S. 22:2001, et seq.

(2)(a) The Nineteenth Judicial District Court shall have exclusive jurisdiction to hear any delinquency proceeding instituted by the department for the failure of the fund to comply with the approved corrective action plan.

(b) The court may issue an injunction to restrain the fund and its officers, agents, directors, or employees from transacting any insurance business or disposing of property until further action by the court. The court may issue any other injunction as it deems necessary to prevent interference with the proceedings or with the ability of the department to conduct business, as well as any injunction sought to protect any assets that are in the control of the department.

(3) The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act providing for the grounds, conduct, and procedures applicable to the delinquency proceedings.

E. The distribution of general assets from the estate of the fund shall be prioritized as follows:

(1) The department's costs and expenses of administration.

(2) Payment of claims to third-parties and insureds arising out of and within the coverage of agreements or evidences of coverage issued by the fund, up to the policy limits.

(3) Payment of claims by the federal government other than those claims otherwise prioritized within this Subsection.

(4) Payment of compensation owed to employees of the fund shall be paid in accordance with the applicable provisions of administrative supervision, pursuant to R.S. 22:731, et seq. or receivership, pursuant to R.S. 22:2001, et seq.

(5) Payment of claims for unearned premiums or other premium refunds and claims of general creditors, including claims of any ceding and assuming company in their capacity as such.

(6) Payment of all other claims.

§4351.10. Examination

A. The department shall make an examination, at least once every five years, of the group self-insurance fund established pursuant to this Part doing business in this state, and at any other time when in the opinion of the department it is necessary for such an examination to be made.

B. Upon determining that an examination should be conducted, the department shall appoint one or more examiners to perform the examination and instruct them as to the scope of the examination. In conducting the examination, the examiner or examiners shall observe those guidelines and procedures that the department deems appropriate.

C. Nothing contained in this Part shall be construed to limit the department's authority to use any final or preliminary examination report, any examiner or fund work papers or other documents, or any other information discovered or developed during the course of any examination in the furtherance of any legal or regulatory action which the department may, in his sole discretion, consider appropriate.

D. Nothing contained in this Part shall be construed to limit the authority of the department to terminate or suspend any examination in order to pursue other legal or regulatory action pursuant to the applicable laws of this state. Findings of fact and conclusions made pursuant to any examination shall be prima facie evidence in any legal or regulatory action.

E. In conducting the examination pursuant to this Section, the department shall examine the affairs, transactions, accounts, records, documents, and assets of the authorized group self-insurance fund. For the purpose of ascertaining its condition or compliance with this Part, the department may, as often as it deems advisable, examine the accounts, records, documents and transactions of all of the following:

(1) Any insurance agent, solicitor or broker, but only insofar as the accounts, records, documents and transactions relate to group self-insurance funds.

(2) Any person having a contract under which he enjoys, in fact, the exclusive or dominant right to manage or control the group self-insurance fund.

F. The group self-insurance fund being examined, and its officers, trustees, employees, administrators and representatives, shall produce and make freely accessible to the department the accounts, records, documents, and files in its possession or control relating to the subject of the examination, and shall otherwise facilitate the examination.

G. The department may take depositions, subpoena witnesses or documentary evidence, administer oaths, and examine under oath any individual relative to the affairs of the group self-insurance fund being examined. Any person who testifies falsely or makes any false affidavit during the course of such an examination shall be guilty of perjury.

H. Whenever the department makes an examination or investigation pursuant to this Part, all expenses incurred by the department in conducting the examination or investigation, including the expenses and fees of examiners, auditors, accountants, actuaries, attorneys, or clerical or other assistants who are employed by the department to make the examination, shall be paid by the group self-insurance fund.

I. The department may recover all expenses incurred from the examination or investigation of any person or entity acting as an administrator or third-party administrator in this state for the group self-insurance fund.

J. The department shall employ the examiners, auditors, accountants, actuaries, attorneys, and clerical or other assistants as are necessary to

conduct the examination and to compile and prepare a report thereon, and the compensation for such examination shall be fixed according to the time actually devoted to the work, including conducting the examination and compiling the report thereon, as required by law. The compensation shall be reasonable and commensurate with the value of the services performed.

K. Upon completion of the examination of the group self-insurance fund or at stated periods during an examination, the department shall forward to the group self-insurance fund a statement showing the amount of expenses incurred in the examination to the date of the statement. Upon receipt, the group self-insurance fund shall pay the amount of expenses to the department.

L. If the group self-insurance fund considers the amount of expenses billed to it unreasonable or contrary to the provisions of this Part, it may within fifteen days after the receipt of the billing file a rule to show cause in a court of competent jurisdiction upon the department as to the reasonableness and legality under this Part of the amount of expenses billed to it by the department, and the rule shall be tried by preference, and upon appeal, shall be given preference in the appellate court, as provided by the laws of this state for other state cases.

M. If the group self-insurance fund fails or refuses to pay the expenses of examination as billed by the department after fifteen days from the receipt of the billing or after final judgment of the court where a rule has been filed as provided in this Part, then the department may suspend or revoke the certificate of authority of such group self-insurance fund to do business in this state until the full amount of the bill is paid.

§4351.11. Examination reports

A. All examination reports shall be comprised only of facts appearing upon the books, records, or other documents of the group self-insurance fund or as ascertained from the testimony of its officers or agents or other persons examined concerning its affairs, and any conclusions and recommendations the examiners find reasonably warranted from the facts. The department shall keep confidential all documents and records associated with the provision of this Section.

B. Not later than sixty days following completion of the examination, the examiner in charge shall file with the department a verified written report of examination under oath. Upon receipt of the verified report, the department shall transmit the report to the fund examined, together with a notice which shall afford the fund examined a reasonable opportunity, of not more than thirty days, to make a written submission or rebuttal with respect to any matters contained in the examination report.

C. Within thirty days of the end of the period allowed for the receipt of written submissions or rebuttals, the department shall fully consider and review the report, together with any written submissions or rebuttals and any relevant portions of the examiner's work papers, and enter an order for one of the following:

(1) Adoption of the examination report as filed, or with modifications or corrections. If the examination report reveals that the group self-insurance fund is operating in violation of any law, rule, regulation, or prior order or directive of the department, the department may order the fund to take any action the department determines is necessary and appropriate to cure the violation.

(2) Rejection of the examination report with direction to the examiners to reopen the examination for purposes of obtaining additional documentation, data, information, and testimony.

D. Within thirty days of rejection by the department of an examination report in accordance with Paragraph (C)(2) of this Section, unless the department extends the time for reasonable cause, the examiner in charge shall refile with the department a verified written report of examination, as may be modified or corrected, under oath. Upon receipt of the refiled verified report, the department shall transmit the refiled report to the fund examined, together with a notice similar to the notice provided for in Subsection B of this Section, except that the notice shall indicate that the report is a refiled report.

E. Within thirty days of the end of the period allowed for the receipt of written submissions or rebuttals, as provided for in Subsections B and D of this Section, the department shall fully consider and review the refiled report, together with any written submissions or rebuttals and any relevant portions of the work papers of the examiner, and enter an order for one of the following:

(1) Adoption of the examination report as refiled or with modification or corrections. If the refiled examination report reveals that the group self-insurance fund is operating in violation of any law, rule, regulation, or prior order or directive of the department, the department may order the fund to take any action the department considers necessary and appropriate to cure the violation.

(2) Rejection of the examination report and referral of the matter for hearing before an administrative law judge within the division of administrative law in accordance with the provisions of the Administrative Procedure Act, for purposes of obtaining additional documentation, data, information, and testimony.

F. All orders entered pursuant to Paragraph (C)(1) or (E)(1) of this Section shall be accompanied by findings and conclusions resulting from consideration by the department and review of the examination report, relevant examiner work papers, and any written submissions or rebuttals. Any order shall be served upon the fund by certified mail, together with a copy of the adopted examination report. Within thirty days of the issuance of the adopted report, the trustees of the group self-insurance fund shall state, under oath, that they

have received a copy of the adopted report and related orders.

G. Within thirty days of receiving notification of the department's order pursuant to Subsection F of this Section, the fund may make written demand for an administrative law hearing in accordance with the provisions of the Administrative Procedure Act.

H.(1) The hearing provided for under Subsection G of this Section shall be conducted as required by the Administrative Procedure Act. At the conclusion of the hearing, the administrative law judge shall enter an order adopting the examination report as filed, or subsequently filed again with modifications or corrections, and may order the fund to take any action that the department considers necessary and appropriate to cure any violation of any law, regulation, or prior order or directive of the department.

(2) The division of administrative law shall issue the order within thirty days after the conclusion of the hearing and shall give a copy of the order to each person to whom notice of the hearing was given or required to be given.

I.(1) Upon the adoption of the examination report under Paragraph (C)(1) or (E)(1) or Subsection H of this Section, the department shall continue to hold the content of the examination report as private and confidential information for a period not to exceed thirty consecutive days, unless the provisions of R.S. 3:4351.10(C) and Subsection B of this Section apply. Thereafter, the department may open the report for public inspection provided no court of competent jurisdiction has stayed its publication.

(2) Notwithstanding any provision of law to the contrary, nothing shall prevent, or be construed as prohibiting, the department from disclosing the content of an examination report, preliminary examination report or results, or any matter relating thereto, to the insurance department of this or any other state or country, or to law enforcement officials of this or any other state or agency of the federal government at any time, provided the agency or office receiving the report or matters relating thereto agrees, in writing, to hold it confidential and in a manner consistent with this Part.

(3) If the department determines that regulatory action is appropriate as a result of any examination, it may initiate any proceedings or actions as provided by law.

J. All work papers, recorded information, and documents, as well as all copies thereof produced by, obtained by, or disclosed to the department, or any other person, in the course of an examination made under this Part, or pursuant to the authority of the commissioner under this Part, shall be given confidential treatment and are not subject to subpoena and may not be made public by the department or any other person, unless the provisions of R.S. 3:4351.10(C) and Subsection I of this Section apply. The parties shall agree, in writing prior to receiving the information, to provide to it the same confidential treatment as required by this Section, unless the prior written consent of the fund to which it pertains has been obtained.

K.(1) No examiner may be appointed by the department if that examiner, either directly or indirectly, has a conflict of interest or is affiliated with the management of or owns a pecuniary interest in any person or entity subject to examination under this Part.

(2) Notwithstanding the requirements of this Section, the department may retain from time to time, on an individual basis, qualified actuaries, certified public accountants, or other similar individuals who are independently practicing their professions, even though those persons may from time to time be similarly employed or retained by persons subject to examination under this Part.

L.(1) No cause of action shall arise nor shall any liability be imposed against the department, the authorized representative of the department, or any examiner appointed by the department for any statement made or conduct performed in good faith while carrying out the provisions of this Part.

(2) No cause of action shall arise, nor shall any liability be imposed, against any person for the act of communicating or delivering information or data to the department, or the authorized representative of the department, or an examiner, pursuant to an examination made under this Part, if that act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive.

M.(1) In addition to those examinations performed by the department pursuant to R.S. 3:4351.10, the department shall conduct financial reviews of the group self-insurance fund. The reviews shall include the audited financial statements of the group self-insurance fund rendered pursuant to generally acceptable accounting principles, results of prior examinations and office reviews, management changes, consumer complaints, and any other relevant information as from time to time may be required by the department.

(2) Failure by the group self-insurance fund to supply information requested by the department during the course of a financial review shall subject the group self-insurance fund to revocation or suspension of its license or, in lieu thereof, a fine not to exceed ten thousand dollars per occurrence.

(3) All work papers, recorded information, and documents as well as all copies thereof produced by, obtained by, or disclosed to the department, or any other person in the course of conducting a financial review shall be given confidential treatment and are not subject to subpoena and may not be made public by the department or any other person, except that any access may be granted to insurance departments of other states, international, federal or state law enforcement agencies or international, federal, or state regulatory agencies with statutory oversight over the financial services industry, if the recipient agrees to maintain the confidentiality of those documents which are confidential under the laws of this state.

(4) In conducting financial reviews, the examiner or examiners shall observe those guidelines and procedures as the department may deem appropriate.

(5) Nothing contained in this Part shall be construed to limit the department's authority to use any final or preliminary analysis findings, any department or fund work papers or other documents, or any other information discovered or developed during the course of any analysis in the furtherance of any legal or regulatory action.

(6) The group self-insurance fund against whom a fine has been levied shall be given ten days notice of such action. Upon receipt of this notice, the aggrieved party may apply for and shall be entitled to an administrative hearing pursuant to the Administrative Procedure Act.

N. Nothing in this Section shall prohibit the legislative auditor from reviewing records and conducting an audit in accordance with R.S. 24:513.

§4351.12. Authorization of the Department of Insurance to employ investigators

The department shall have authority to employ investigators to investigate complaints received against the group self-insurance fund authorized to do business in this state and against any unauthorized group self-insurance fund that is reported to be operating in this state.

§4351.13. Disclosure

A. It shall be unlawful for any person who is an officer, trustee, employee, administrator, agent, or representative of the group self-insurance fund, as well as any person, partnership, corporation, banking corporation, or any other legal entity which performs any service for the group self-insurance fund, or prepares any report, audit, financial statement or report for, or makes any representation on behalf of, for, or with regard to the group self-insurance fund, in connection with any investigation, or examination authorized by this Part, to act with the specific intent to do any of the following:

(1) Represent falsely, directly or indirectly, to the department or any employee, trustee or administrator of the department, that an asset of such group self-insurance fund is unencumbered, or to misrepresent any other material fact pertaining to the status of any asset or liability of the group self-insurance fund.

(2) Materially misrepresent to the department, or any employee, trustee, or administrator of the department, the value of any asset or the amount of any liability of the group self-insurance fund, or any affiliate, subsidiary, or holding fund associated therewith, provided that with regard to a material misrepresentation of the value of any asset or liability, any deviation from the actual value of such assets or liability which results from utilization of and compliance with generally accepted insurance accounting and reporting procedures shall not be deemed a violation of this Section.

(3) Fail to disclose to the department the existence of any liability of the group self-insurance fund, or affiliate, subsidiary, or holding company associated therewith when such disclosure is properly requested or required in writing by an examiner or administrator of the department.

(4) Materially misrepresent, withhold, deny access to, or otherwise preclude the obtainment of any information properly requested in writing and in accordance with provisions of law affecting dissemination or disclosure of information by specific institutions by an examiner or administrator of the department, which is material and relevant to an examination properly conducted by the department and examiners and administrators of the department.

B. Whoever violates any provision of this Section, upon conviction, shall be fined by the court not more than fifty thousand dollars, or imprisoned with or without hard labor for not more than five years, or both.

§4351.14. Departmental complaint directives; failure to comply; fines; hearing

A. Any person subject to the regulatory authority of the department who fails to comply with any directive issued by the department in connection with a consumer complaint shall be fined an amount not to exceed two hundred fifty dollars for each occurrence.

B. Any person against whom a fine has been levied shall be given ten days notice of the action. Upon receipt of this notice, the person aggrieved may apply for and shall be entitled to an administrative hearing conducted in accordance with the provisions of the Administrative Procedure Act.

§4351.15. Dissolution

A. If the fund chooses to dissolve, it shall apply to the department for the authority to dissolve. An application to dissolve shall be on a form prescribed by the department and shall be approved or disapproved by the department within sixty days of receipt.

B. The dissolution of the fund without authorization is prohibited and shall not absolve or release the fund, a member, or any person or entity which has executed an indemnity agreement from the fund's or person's obligations incurred or entered into prior to the dissolution of the fund.

C. An application to dissolve shall be granted if either of the following conditions is met:

(1) The fund has no outstanding liabilities including incurred but not reported liabilities.

(2) The fund is covered by an irrevocable commitment from a licensed insurer which provides for payment of all outstanding liabilities and for providing all related services, including payment of claims, preparation of reports, and administration of transactions associated with the period during which the plan provided coverage.

D. Upon the dissolution of the fund and after payment of all outstanding liabilities and indebtedness, the assets of the fund shall be distributed to all employers participating in the fund pursuant to a distribution plan submitted by the fund to the department and approved by the department.

§4351.16. Exclusive use of expirations

A.(1) Except as otherwise provided in this Section, for purposes of soliciting, selling, or negotiating the renewal or sale of group self-insurance coverage, products, or insurance services, an insurance agent or insurance broker shall have the exclusive use of expirations, records, or other written or electronic information directly related to the group self-insurance application submitted by or the group self-insurance policy written through an insurance agent or insurance broker. The group self-insurance fund shall not use expirations, records, or other written or electronic information to solicit, sell, or negotiate the renewal or sale of insurance coverage, insurance products, or insurance services to the insured, either directly or by providing such information to others, without the express written consent of the insurance agent or insurance broker.

(2) The expirations, records, or other written or electronic information may be used to review the group self-insurance application, to issue a policy, or for any other purpose necessary for placing such business through the insurance producer. The expirations, records, or other written or electronic information may also be used for any other purpose which does not involve the soliciting, selling, or negotiating the renewal or sale of group self-insurance coverage, products, or services.

B. This Section shall not apply:

(1) When the insured requests, individually or through an insurance producer that the group self-insurance company renew the policy or write other insurance business.

(2) When the insurance agent has, by contract, agreed to act exclusively for one company or group of affiliated companies, in which case the rights of the agent shall be determined by the terms of the agent's contract with that company or affiliated group.

(3) When the insurance producer is in default for nonpayment of premiums under the insurance agent's or insurance broker's contract or other agreement with the group self-insurer, unless there is a legitimate dispute as to monies owed.

(4) When the agency contract is terminated and the insurance company is required by law to continue coverage for the insured, in which event the insurance company shall continue to pay the insurance agent or the insurance broker commissions on such policies that the company is required to renew during the thirty-six-month period following the effective date of the termination. The commission shall be at the insurer's prevailing commission rates in effect on the date of renewal for that class or line of business in effect on the date of renewal for brokers or agents whose contracts are not terminated.

C. The insurance producer and insurer may in a written agreement separate from the agency contract, mutually agree to terms different from the provisions set forth in this Section. The terms of any such agreement shall be negotiated in good faith between the parties.

D.(1) The department may adopt rules, in accordance with the Administrative Procedure Act, to enforce the provisions of this Section, and any violation of this Section or the rules adopted pursuant to this Section shall be subject to regulation by the department under R.S. 3:4351.5.

(2) In addition, the insurance producer shall have a right to a claim for lost commissions. The claim shall be resolved in accordance with the dispute resolution terms in the applicable contract or agreement. In the absence of any dispute resolution terms, the parties shall attempt to resolve their dispute through mediation. If the claim is not resolved through mediation, the claim may be resolved through binding arbitration if the parties agree. In the absence of an agreement to resolve the claim through binding arbitration, the insurance producer may maintain an action for lost commissions.

(3) Except as provided in Subsection B of this Section, nothing in this Section shall be interpreted as impairing any rights in law or contract currently enjoyed by any party.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 587

HOUSE BILL NO. 463
BY REPRESENTATIVES SEABAUGH, AMEDEE, CREWS, EDMONSTON,
FRIEMAN, HORTON, MCCORMICK, MIGUEZ, AND WRIGHT
AN ACT

To amend and reenact R.S. 14:95(A)(4), (G), and (H)(1) and to repeal R.S. 14:95(A)(5), relative to the illegal carrying of weapons; to provide for the removal of knives as illegally carried weapons; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(A)(4), (G), and (H)(1) are hereby amended and reenacted to read as follows:

§95. Illegal carrying of weapons

A. Illegal carrying of weapons is any of the following:

* * *

(4)(a) The intentional concealment on one's person of any switchblade knife, spring knife, or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch, or similar contrivance located on the handle.

(b) The provisions of this Paragraph shall not apply to the following:

(i) Any knife that may be opened with one hand by manual pressure applied to the blade or any projection of the blade.

(ii) Any knife that may be opened by means of inertia produced by the hand, wrist, or other movement, provided the knife has either a detent or other structure that provides resistance that shall be overcome in opening or initiating the opening movement of the blade or a bias or spring load toward the closed position.

(5)(a) The intentional possession or use by any person of a dangerous weapon on a school campus during regular school hours or on a school bus. "School" means any elementary, secondary, high school, or vo-tech school in this state and "campus" means all facilities and property within the boundary of the school property. "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.

(b) The provisions of this Paragraph shall not apply to:

(i) A peace officer as defined by R.S. 14:30(B) in the performance of his official duties.

(ii) A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.

(iii) Any person having the written permission of the principal or school board and engaged in competition or in marksmanship or safety instruction.

* * *

G.(1) The provisions of this Section ~~except Paragraph (A)(4) of this Section~~ shall not apply to sheriffs and their deputies, state and city police, constables and town marshals, or persons vested with police power when in the actual discharge of official duties. These provisions shall not apply to sheriffs and their deputies and state and city police who are not actually discharging their official duties, provided that such persons are full time, active, and certified by the Council on Peace Officer Standards and Training and have on their persons valid identification as duly commissioned law enforcement officers.

(2) The provisions of this Section ~~except Paragraph (A)(4) of this Section~~ shall not apply to any law enforcement officer who is retired from full-time active law enforcement service with at least twelve years service upon retirement, nor shall it apply to any enforcement officer of the office of state parks, in the Department of Culture, Recreation and Tourism who is retired from active duty as an enforcement officer, provided that such retired officers have on their persons valid identification as retired law enforcement officers, which identification shall be provided by the entity which employed the officer prior to his or her public retirement. The retired law enforcement officer must be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such qualification. This exception shall not apply to such officers who are medically retired based upon any mental impairment.

(3)(a) The provisions of this Section ~~except Paragraph (A)(4) of this Section~~ shall not apply to active or retired reserve or auxiliary law enforcement officers qualified annually by the Council on Peace Officer Standards and Training and who have on their person valid identification as active or retired reserve law or auxiliary municipal police officers. The active or retired reserve or auxiliary municipal police officer shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such certification.

(b) For the purposes of this Paragraph, a reserve or auxiliary municipal police officer shall be defined as a volunteer, non-regular, sworn member of a law enforcement agency who serves with or without compensation and has regular police powers while functioning as such agency's representative, and who participates on a regular basis in agency activities including, but not limited to those pertaining to crime prevention or control, and the preservation of the peace and enforcement of the law.

H.(1) Except as provided in Paragraph (A)(5) (4) of this Section and in Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state of Louisiana, and traffic courts, members of either house of the legislature, officers of either house of the legislature, the legislative auditor, designated investigative auditors, constables, coroners, designated coroner investigators, district attorneys and designated assistant district attorneys, United States attorneys and assistant United States attorneys and investigators, the attorney general, designated assistant attorneys general, and justices of the peace from possessing and concealing a handgun on their person when such persons are qualified annually in the use of firearms by the Council on Peace Officer Standards and Training.

* * *

Section 2. R.S. 14:95(A)(5) is hereby repealed in its entirety.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 588

SENATE BILL NO. 45

BY SENATOR FOIL AND REPRESENTATIVES AMEDEE, BACALA,
JEFFERSON, CHARLES OWEN, STAGNI AND WRIGHT
AN ACT

To amend and reenact R.S. 17:1948(A) and (E), to enact R.S. 17:1948(C)(9), and to repeal R.S. 17:1948(G), relative to students with exceptionalities; to require public school governing authorities to adopt policies relative to the installation of and operation of cameras in certain classrooms upon the request of a parent or legal guardian by December 31, 2022; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1948(A) and (E) are hereby amended and reenacted and R.S. 17:1948(C)(9) is hereby enacted to read as follows:

§1948. Cameras in certain classrooms; definitions; required policies; confidentiality; authorization of funding

A.(1) The governing authority of each public elementary and secondary school shall adopt policies relative to the installation and operation of cameras that record both video and audio in a classroom ~~upon the written request of a parent or legal guardian. The policies shall be adopted not later than December 31, 2022, or within sixty days of the receipt of funding for the installation of cameras, whichever occurs first.~~

(2) Not later than January 15, 2023, each governing authority shall submit a copy of the policies adopted pursuant to this Section to the state Department of Education. Within ten days of any revision of the policies, each governing authority shall submit a copy of the policies to the department.

* * *

C. The policies shall include provisions for the following:

* * *

(9) Procedures regarding how a parent or legal guardian may request the installation and operation of cameras in his child's classroom.

* * *

E.(1) The governing authority of each public elementary and secondary school is authorized to accept, administer, and make use of federal, state, and local funds, any public and private grants and donations, and, when considered appropriate and feasible, to accept nonmonetary resources in the form of services or equipment for use in connection with the installation and operation of cameras pursuant to this Section.

(2) Upon receipt of such funds, grants, donations, or nonmonetary resources, the governing authority shall install and operate the cameras according to the policies adopted pursuant to this Section.

* * *

Section 2. R.S. 17:1948(G) is hereby repealed.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 589

SENATE BILL NO. 90

BY SENATOR ROBERT MILLS
AN ACT

To amend and reenact R.S. 22:1019.2(A), (B)(5), the introductory paragraph of (C), and (D), relative to network adequacy for health benefit plans; to provide for regulations to set standards by which to measure network adequacy; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1019.2(A), (B)(5), the introductory paragraph of (C), and (D) are hereby amended and reenacted to read as follows:

§1019.2. Network adequacy

A. A health insurance issuer providing a health benefit plan shall maintain a network that is sufficient in numbers and types of ~~health-care~~ **healthcare** providers to ensure that all ~~health-care~~ **healthcare** services to covered persons will be accessible without unreasonable delay. In the case of emergency services and any ancillary emergency ~~health-care~~ **healthcare** services, covered persons shall have access twenty-four hours per day, seven days per week. Sufficiency shall be determined in accordance with the requirements of this Subpart. In determining sufficiency criteria, ~~such~~ **the** criteria shall include but not be limited to ratios of ~~health-care~~ **healthcare** providers to covered persons by specialty, ratios of primary care providers to covered persons, geographic accessibility, waiting times for appointments with participating providers, hours of operation, and volume of technological and specialty services available to serve the needs of covered persons requiring technologically advanced or specialty care.

B.(1) * * *

~~(5)(a) Beginning January 1, 2014, except as otherwise provided in Subparagraph (b) of this Paragraph, a~~ **A** health insurance issuer shall annually file with the commissioner, an access plan meeting the requirements of this

Subpart for each of the health benefit plans that the health insurance issuer offers in this state. Any existing, new, or initial filing of policy forms by a health insurance issuer shall include the network of providers, if any, to be used in connection with the policy forms. If benefits under a health insurance policy do not rely on a network of providers, the health insurance issuer shall state ~~such~~ **this** fact in the policy form filing. The health insurance issuer may request the commissioner to ~~deem~~ **consider** sections of the access plan to contain proprietary or trade secret information that shall not be made public in accordance with the Public Records Law, R.S. 44:1 et seq., or to contain protected health information that shall not be made public in accordance with R.S. 22:42.1. If the commissioner concurs with the request, those sections of the access plan shall not be subject to the Public Records Law or shall not be made public in accordance with R.S. 22:42.1 as applicable. The health insurance issuer shall make the access plans, absent any such proprietary or trade secret information and protected health information, available and readily accessible on its business premises and shall provide ~~such~~ **the** plans to any interested party upon request, subject to the provisions of the Public Records Law and R.S. 22:42.1.

~~(b) In lieu of meeting the filing requirements of Subparagraph (a) of this Paragraph, a health insurance issuer shall, beginning January 1, 2014, except as otherwise provided in Subparagraph (c) of this Paragraph, submit proof of accreditation from the National Committee for Quality Assurance (NCQA) or American Accreditation Healthcare Commission, Inc./URAC to the commissioner, including an affidavit and sufficient proof demonstrating its accreditation for compliance with the network adequacy requirements of this Subpart. The affidavit shall include sufficient information to notify the commissioner of the health insurance issuer's accreditation and shall include a certification that the health insurance issuer's network of providers includes health care providers that specialize in mental health and substance abuse services and providers that are essential community providers. The affidavit shall also certify that the health insurance issuer complies with the provider directory requirement contained in Paragraph (4) of this Subsection. The commissioner may, at any time, recognize accreditation by any other nationally recognized organization or entity that accredits health insurance issuers; however, such entity's accreditation process shall be equal to or have comparative standards for review and accreditation of network adequacy.~~

~~(c) A health insurance issuer that has submitted an application for accreditation to NCQA or URAC prior to December 31, 2013, but has not yet received such accreditation by January 1, 2014, shall be deemed accredited for the purposes of this Subpart upon submission of an affidavit to the commissioner by January 1, 2014, demonstrating that the issuer is in the process of accreditation. Upon receipt of accreditation, the issuer shall submit proof of such accreditation to the commissioner pursuant to Subparagraph (b) of this Paragraph. However, in the event that the issuer withdraws its application for accreditation or does not receive accreditation prior to July 1, 2015, such issuer shall file an access plan with the commissioner pursuant to Subparagraph (a) of this Paragraph within sixty days of such withdrawal or denial.~~

~~(d) If a health insurance issuer that has submitted proof of accreditation to the commissioner subsequently loses such accreditation, the issuer shall promptly notify the commissioner and file an access plan with him pursuant to Subparagraph (a) of this Paragraph within sixty days of the loss of such accreditation.~~

~~(e) A health insurance issuer submitting proof of accreditation or an affidavit demonstrating that the issuer is in the process of accreditation shall maintain an access plan at its principal place of business. Such access plan shall be in accordance with the requirements of the accrediting entity.~~

C. A health insurance issuer ~~not submitting proof of accreditation~~ shall file an access plan for written approval from the commissioner for existing health benefit plans and prior to offering a new health benefit plan. Additionally, ~~such~~ a health insurance issuer shall inform the commissioner ~~when~~ if the **health insurance** issuer enters a new service or market area and shall submit an updated access plan demonstrating that the **health insurance** issuer's network in the new service or market area is adequate and consistent with this Subpart. Each such access plan, including riders and endorsements, shall be identified by a form number in the lower left hand corner of the first page of the form. ~~Such a~~ **A** health insurance issuer shall update an existing access plan whenever it makes any material change to an existing health benefit plan. ~~Such an~~ **The** access plan shall describe or contain, at a minimum, each of the following:

* * *

D. A health insurance issuer ~~not submitting proof of accreditation~~ shall file any proposed material changes to the access plan with the commissioner prior to implementation of any such changes. The removal or withdrawal of any hospital or multi-specialty clinic from a health insurance issuer's network shall constitute a material change and shall be filed with the commissioner in accordance with the provisions of this Subpart. Changes shall be ~~deemed~~ **considered** approved by the commissioner after sixty days unless specifically disapproved in writing by the commissioner prior to expiration of ~~such~~ **the** sixty days.

* * *

Section 2. This Act shall become effective January 1, 2023.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 590

SENATE BILL NO. 183
BY SENATOR FRED MILLS
AN ACT

To enact R.S. 37:23.2 and R.S. 49:1308, relative to certain boards, commissions, and agencies; to require state entities to publish on the internet certain information concerning permits and licenses; to provide for the information that must be published; to require reports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:1308 is hereby enacted to read as follows:

§1308. Internet publication of certain information concerning permits and licenses; information required to be published; manner of publication

A.(1) Each state entity subject to the provisions of this Chapter that issues a permit or license shall prominently include on its internet website the information required by Subsection B of this Section.

(2) If a state entity does not have an internet website, the department of which the state entity is a part shall include the information required by Subsection B of this Section for the state entity on the website of the department.

B. All of the following information shall be included on the website:

(1) A brief description of each permit or license that the state entity issues. For each such permit or license, links to the following shall be included:

(a) The full text of the current application.

(b) A checklist of all information required to be submitted to complete the application process.

(c) The name and contact information of the person within the state entity responsible for responding to inquiries about the status of an application.

(d) The anticipated timeline for review of a completed application.

(2) A copy of the annual report submitted to the legislative oversight committees or subcommittees by the state entity pursuant to Subsection C of this Section.

C. Each state entity shall annually submit to its legislative oversight committee or subcommittee a report containing the number of permit or license applications received, the number of permits or licenses issued, and timelines for approval of an application.

D. For the purposes of this Section, "state entity" means any department, office, division, commission, council, board, bureau, or other regulatory agency of state government.

Section 2. R.S. 37:23.2 is hereby enacted to read as follows:

§23.2. Internet publication of certain information concerning permits and licenses; information required to be published; manner of publication

A.(1) Each state entity subject to the provisions of this Title that issues a permit or license shall prominently include on its internet website the information required by Subsection B of this Section.

(2) If a state entity does not have an internet website, the department of which the state entity is a part shall include the information required by Subsection B of this Section for the state entity on the website of the department.

B. All of the following information shall be included on the website:

(1) A brief description of each permit or license that the state entity issues. For each such permit or license, links to the following shall be included:

(a) The full text of the current application. For any license or permit applied for or issued through a nationwide licensing or registry system, the state entity shall provide a link to the nationwide licensing or registry system.

(b) A checklist of all information required to be submitted to complete the application process.

(c) The name and contact information of the person within the state entity responsible for responding to inquiries about the status of an application.

(d) The anticipated timeline for review of a completed application. For any license or permit applied for or issued through a nationwide licensing or registry system, the state entity shall provide a reasonable estimate for the timeline.

(2) A copy of the annual report submitted to the legislative oversight committees or subcommittees by the state entity pursuant to Subsection C of this Section.

C. Each state entity shall annually submit to its legislative oversight committee or subcommittee a report containing the number of permit or license applications received, the number of permits or licenses issued, and timelines for approval of an application.

D. For the purposes of this Section, "state entity" means any department, office, division, commission, council, board, bureau, or other regulatory agency of state government.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 591

SENATE BILL NO. 212
BY SENATORS STINE, FESI AND SMITH
AN ACT

To enact Chapter 22 of Title 22 of the Louisiana Revised Statutes of 1950, to be

comprised of R.S. 22:2651 through 2657, relative to establishing a mediation program for a catastrophic event; to provide insureds an alternative way to settle residential property insurance claims; to provide terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 22 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:2651 through 2657, is hereby enacted to read as follows:

**CHAPTER 22. THE HURRICANE PROPERTY INSURANCE
CLAIM ALTERNATE DISPUTE RESOLUTION PROGRAM**

§2651. Short title

This Chapter shall be known as the “Hurricane Mediation Program”, hereinafter referred to as the “program”.

§2652. Purposes; public purpose

A. The purpose of this Chapter is to provide a nonadversarial alternative dispute resolution procedure that is prompted by the need for effective, fair, and timely handling of residential property insurance claims for residential properties that are damaged by a hurricane. In the wake of the property devastation caused in 2005 from hurricanes Katrina and Rita, the Louisiana Department of Insurance, hereinafter referred to as the “department”, issued Emergency Rule 22, that established a mandatory mediation program. The mediations conducted pursuant to Emergency Rule 22 resulted in the mediation of approximately 12,000 property damage disputes with a very high success rate. Due to the success of this mediation program, the department issued Bulletin 2021-08 that implemented the “Hurricane Ida Mediation Program”. The mediation program was implemented to give property owners a way to settle insurance claims in a timely manner and a low-cost way to resolve a property insurance claim. Giving citizens an alternate way to resolve residential property insurance disputes and assisting citizens in the repair of their property in a timely manner and at a lower cost is a valid public purpose in the best interest of the citizens.

B. The Louisiana Legislature finds that the Hurricane Mediation Program is a valid public purpose providing the citizens of this state an alternate resolution dispute program to assist in resolving residential property insurance claims in a timely manner and at a lower cost.

§2653. Conditions to request mediation

A. Every insured may request mediation involving a residential property insurance claim for property damage that involves disputed amounts up to one hundred fifty thousand dollars in situations that the governor declares a state of emergency pursuant to R.S. 29:724 for a named windstorm event, and the insured has a claim for damage to property located within the geographic area that is the subject of the declared state of emergency.

B. If the insured decides to mediate a damage dispute through this program, the insured shall contact one of the participating mediation firms listed on the department’s website.

C. An insured and insurer may agree to mediate and be subject to the provisions of this Chapter, any claim for residential property damage that involves disputed amounts in excess of one hundred fifty thousand dollars, and the property is located within the geographic area that is subject to the declared state of emergency.

§2654. Firm and department mediation requirements

A. A mediation firm, hereinafter referred to as the “firm”, that elects to participate in the program provided in this Chapter shall comply with all of the following:

(1) The firm contacts the department regarding participation in the program.

(2) The firm agrees to the terms and conditions set forth in this Chapter.

(3) The firm provides the department with its official name, contact information, municipal address, electronic mail address, and telephone number.

(4) The cost of mediation shall be reasonable.

(5) Within five business days after receiving its assignment as the mediation firm, the firm shall give written notice to the insurer and the insured of its assignment.

(6) The firm shall set the matter for mediation to occur within thirty days of assignment.

(7) The firm shall be in charge of the mediation and shall establish and describe the procedures to be followed. The firm shall conduct the mediation in accordance with the standards of professional conduct for mediation adopted by the American Bar Association pursuant to R.S. 9:4107.

(8) The firm may meet with the insurer and the insured separately to encourage meaningful communications, negotiations, and otherwise assist the insurer and the insured to arrive at a settlement.

(9) All in-person mediations shall be conducted statewide in a metropolitan statistical area at an office or business location to be selected by the mediation firms. There shall be no charge to the insurer for use of the venue. If the insurer or the insured prefer to participate in the mediation remotely via telephone, video conference, or other similar electronic means is authorized, provided the mediator and all other parties to the mediation are notified of the preference in advance of the mediation, and as needed to accommodate remote participation.

(10) The mediation session may last up to ninety minutes of actual mediation with the insurer and the insured. The ninety minutes shall not include time spent on telephone calls, document review, research, or any other administrative tasks that the mediator may find necessary to prepare for the mediation.

B. The department shall maintain a list of firms that elect to participate in the program that is provided in this Chapter, and the department shall maintain this list on its website that includes the firm’s official name, contact information, municipal address, electronic mail address, and telephone number.

§2655. Insurer and insured requirements for mediation

The insurer and insured that elects to participate in mediation under the

provisions of this Chapter shall agree to the following conditions:

(1) The insurer shall bear the reasonable costs necessary to conducting mediation conferences, except if the insured fails to appear at the mediation conference, the conference shall be rescheduled upon payment by the insured of the costs of a rescheduled conference.

(2) If the insurer fails to appear at the mediation conference, the insurer shall pay the insured’s actual cash expenses up to two hundred fifty dollars for expenses incurred in traveling to and from the mediation conference, and then pay any additional reasonable fees or costs incurred in rescheduling the mediation conference. The insurer’s failure to appear at the mediation conference may subject the insurer to enforcement consistent with the provisions of R.S. 22:1961, et seq., unless the insurer’s failure to attend was due to good cause.

(3) Lack of the insurer’s representative to appear with settlement authority shall be considered a failure of the insurer to appear at the mediation conference. The insurer shall pay the insured’s actual cash expenses up to two hundred fifty dollars for expenses incurred in traveling to and from the mediation conference, and pay any additional reasonable fees or costs incurred in rescheduling the mediation conference. The insurer’s failure to appear at the mediation conference may subject the insurer to enforcement consistent with the provisions of R.S. 22:1961, et seq., unless the insurer’s failure to attend was due to good cause.

(4) The insurer shall provide the mediation firm all of the following:

(a) Name, municipal address, electronic mail address, if applicable, telephone number of the insured and the location of the property if different from the municipal address given by the insured.

(b) The claim and policy number for the insured.

(c) A brief description of the nature of the dispute.

(d) The name, municipal address, electronic mail address, and telephone number of the insurer’s contact for scheduling mediation.

(e) Information with respect to any other policies issued by the insurer to the insured that may provide coverage of the insured property for named perils like a flood or windstorm.

(5) Within five business days after the firm contacts the insurer and the insured, the insurer and the insured shall provide the firm all relevant written documentation regarding the disputed claim and a short statement from each as to why the parties have not been able to reach an amicable resolution.

(6) The firm may request additional documentation from the insurer or the insured. The insurer and the insured shall comply with any reasonable request for additional documentation or give an explanation as to the reason the insurer or insured is not able to comply with the request for additional documentation.

(7) The insured may be represented by an attorney or other representative in the mediation, and the insured shall provide the name and contact information for the attorney or other representative to the mediator at least six days before the date of the mediation.

(8) All parties shall negotiate in good faith.

(9) The insurer and the insured shall be given an opportunity to present each side of the controversy and each side may utilize any relevant documents and bring any individuals with knowledge of the issues, like adjusters, appraisers, or contractors, to address the mediator.

(10) All statements made and documents produced at mediation shall be considered settlement negotiations in anticipation of litigation and the provisions of R.S. 9:4112 shall apply.

(11) Any agreement between the insurer and the insured shall be reduced to writing. The insurer and the insured shall sign the agreement signifying the portions of the claim dispute that have been resolved in whole or in part.

(12) Mediation is voluntary and nonbinding. If a written settlement is reached, the insured shall have three business days within which to rescind the settlement unless the insured has cashed or deposited any check or draft disbursed to the insured for the disputed matters as a result of the mediation conference. If a settlement agreement is reached and is not rescinded, the written settlement agreement shall be binding and shall act as a release of all specific claims that were presented in that mediation conference.

(13) The insurer shall disburse to the insured the specific dollar amount agreed to within thirty days of the conclusion of the mediation.

(14) If the insurer and the insured reach a partial agreement as to the disputed claim, the insurer and the insured may continue to utilize the service of the mediator after the parties have completed voluntary mediation under the program. If the insurer and the insured agree to further mediation, the parties shall be responsible for any additional mediation expenses at the mediator’s standard rate.

(15) If a partial settlement is reached and reduced to writing, the insured shall have three business days within which to rescind the settlement unless the insured has cashed or deposited any check or draft disbursed to the insured for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, the written settlement agreement shall be binding and shall act as a release of all specific claims that were presented in that mediation conference.

§2656. Alternative dispute resolution disclosure notice

A. If the governor declares a state of emergency pursuant to R.S. 29:724 for a named windstorm event, an insurer writing residential property insurance in this state shall send a hurricane mediation program disclosure form to an insured who has filed a covered residential property insurance claim for property that is located within the geographic area of the named storm or windstorm that is subject to the declared state of emergency. An insurer shall send the disclosure notice prior to the initial investigation by either the United

States Postal Service, electronic mail, or by hand delivery.

B. Nothing in this Section shall be construed to provide an insured with a civil cause of action.

C. Nothing in this Chapter shall apply to commercial insurance policies, private passenger motor vehicle insurance, or disputes relating to liability coverages in policies of property insurance.

§2657. Rules and regulations

The commissioner shall promulgate rules and regulations necessary to implement this Chapter.

Section 2. This Act shall become effective on January 1, 2023.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 592

SENATE BILL NO. 333
BY SENATOR HEWITT
AN ACT

To amend and reenact R.S. 36:254(A)(14) and R.S. 39:98.3(B)(2) and 98.4(B)(3) (a), and to repeal R.S. 17:1519.12 and 2048.51(C)(14) and (N), and Chapter 21 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3051 through 3060, and R.S. 36:259(B)(22) and 651(C)(8), relative to boards, commissions, authorities, districts, and like entities and the powers, functions, duties, responsibilities, and jurisdictions thereof; to provide relative to the functional organization of state government by abolishing certain boards, commissions, authorities, districts, and like entities; to provide for any necessary transitions and transfers; to remove references to certain abolished entities; to remove references to, provisions for, and the powers, functions, and duties of the Medical Education Commission; to remove references to, provisions for, and the powers, functions, and duties of the Health Education Authority of Louisiana and its board; to provide relative to the assets of the Health Education Authority of Louisiana; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The legislature finds that abolishing, transferring, and consolidating certain boards, commissions, and other statutorily created entities is in the public interest when such entities no longer serve a public purpose. It is the intent of the legislature to abolish, transfer, and consolidate boards, commissions, and other statutorily created entities and make other changes as provided in this Act.

Medical Education Commission

Section 2. (A) R.S. 36:254(A)(14) is hereby amended and reenacted to read as follows:

§254. Powers and duties of the secretary of the Louisiana Department of Health

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

* * *

(14) Determine how funding for residency positions, residency supervision, and other medical education resources shall be allocated among institutions which provide medical education at hospitals in the health care services division of the Louisiana State University Health Sciences Center, including the Medical Center of Louisiana at New Orleans, to ensure that there is an equitable distribution among medical education programs providing services in public institutions. In making such determinations, the secretary shall consider ~~advice provided by the Medical Education Commission~~, the historical distribution of graduate medical education resources, the long-term effects of the allocation of medical education resources to each program, and the clinical workload of each program.

* * *

(B) R.S. 39:98.3(B)(2) and 98.4(B)(3)(a) are hereby amended and reenacted to read as follows:

§98.3. Appropriations from the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund

* * *

B. Appropriations from the Health Excellence Fund shall be restricted to the following purposes:

* * *

(2) A program of research grants and projects that encourage the pursuit of innovation in advanced health care sciences; such program shall support clinical and laboratory research efforts based in Louisiana universities, ~~as well as institutions represented in the membership of the Medical Education Commission as provided in R.S. 17:1519.8~~, and shall fund grants for both basic and applied research in advanced health care sciences; such program shall encourage institutional commitment and leveraging of state monies to secure private and federal funds and shall be administered by the Board of Regents through an objective, competitive process subject to peer review. The Board of Regents shall annually submit to the legislature and the governor, not less than forty-five days prior to the beginning of each regular session of the legislature, a proposed program and budget for the expenditure of the funds appropriated to the Board of Regents for these purposes.

* * *

§98.4. Louisiana Fund

* * *

B. Appropriations from the Fund shall be restricted to the following purposes provided in this Subsection, and no annual appropriation for any one of the purposes enumerated in Paragraphs (1) through (4) of this Subsection may exceed fifty percent of the total amount of monies appropriated from the Fund in any fiscal year:

* * *

(3) Initiatives to benefit the citizens of Louisiana with respect to health care through:

(a) A program of research grants and projects that encourage the pursuit of innovation in advanced health care sciences; such program shall support clinical and laboratory research efforts based in Louisiana universities, ~~as well as institutions represented in the membership of the Medical Education Commission as provided in R.S. 17:1519.8~~, and shall fund grants for both basic and applied research in advanced health care sciences; such program shall encourage institutional commitment and leveraging of state monies to secure private and federal funds and shall be administered by the Board of Regents through an objective, competitive process subject to peer review. The Board of Regents shall annually submit to the legislature and the governor, not less than forty-five days prior to the beginning of each regular session of the legislature, a proposed program and budget for the expenditure of the funds appropriated to the Board of Regents for these purposes.

* * *

(C) R.S. 17:1519.12 and 2048.51(C)(14) and (N) and R.S. 36:259(B)(22) are hereby repealed.

Health Education Authority of Louisiana

Section 3.(A) Chapter 21 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3051 through 3060, is hereby repealed in its entirety.

(B) R.S. 36:651(C)(8) is hereby repealed in its entirety.

(C) The commissioner of administration is hereby authorized to enter into such documents, contracts, agreements, covenants, conditions, stipulations, or other instruments and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title to any immovable property of Health Education Authority of Louisiana to the state of Louisiana. Any funds on deposit in the name of Health Education Authority of Louisiana not transferred to another entity or official shall be the property of the state and the state treasurer shall provide for the deposit of such funds in the state treasury to the credit of the state general fund, after deposit in the Bond Security and Redemption Fund as otherwise provided by law.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 593

SENATE BILL NO. 396
BY SENATOR MORRIS
AN ACT

To amend and reenact Code of Criminal Procedure Art. 331(A)(1), relative to bail; to provide relative to bail obligations after a conviction; to provide relative to the rights of the district attorney; to provide relative to the obligations owed at the time of conviction; to provide relative to a judgment of bond forfeiture; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 331(A)(1) is hereby amended and reenacted to read as follows:

Art. 331. Discharge of bail obligation

A.(1) Upon conviction in any case, the bail undertaking shall cease and the surety shall be relieved of all obligations under the bail undertaking **by operation of law without the need to file a motion or other pleading. The provisions of this Subparagraph shall not prejudice the state's right to obtain a judgment of bond forfeiture after the elapse of one hundred eighty days following the execution of the certificate that notice of warrant for arrest was sent pursuant to Code of Criminal Procedure Article 334.**

* * *

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 594

SENATE BILL NO. 430
BY SENATOR WOMACK AND REPRESENTATIVES ADAMS, BAGLEY,
BISHOP, CARRIER, DEVILLIER, MAGEE, GREGORY MILLER,
SCHEXNAYDER, STEFANSKI, THOMPSON, TURNER, WHITE AND

ZERINGUE
AN ACT

To enact R.S. 17:85.1, relative to naming a gymnasium at Monterey High School; to authorize the Concordia Parish School Board to name the new gymnasium at Monterey High School in honor of Jack Bairnsfather; and to provide for related matters.

Notice of intention to introduce this Act has been published.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:85.1 is hereby enacted to read as follows:

§85.1. Naming of gymnasium at Monterey High School

The Concordia Parish School Board may name the new gymnasium at Monterey High School in honor of Jack Bairnsfather.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 595

SENATE BILL NO. 28
BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 47:201.2(C)(3)(b)(iv) and (v), relative to state partnership audit adjustments; to provide for the calculation methodology for distributive shares reported to tiered partners; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:201.2(C)(3)(b)(iv) and (v) are hereby amended and reenacted to read as follows:

§201.2. Reporting adjustments to federal taxable income and federal partnership audit adjustments

* * *

C.

* * *

(3) Partnership election to pay on behalf of partners. Subject to the limitations in Subparagraph (c) of this Paragraph, an audited partnership making an election under this Paragraph shall:

* * *

(b) No later than one hundred eighty days after the final determination date, pay an amount, determined as follows, in lieu of taxes owed by its direct and indirect partners:

* * *

(iv) For the total distributive shares of the remaining final federal adjustments reported to tiered partners:

(aa) Determine the amount of the adjustments which is of a type that it would be subject to sourcing to the state under Subpart F of this Part and then determine the portion of this amount that would be sourced to the state applying the provisions of this Section.

(bb) Determine the amount of the adjustments which is of a type that it would not be subject to sourcing to Louisiana by a nonresident partner under R.S. 47:290(B).

(cc) Determine the portion of the amount determined in Subclause (b) ~~Subitem (bb) of this Item~~ that can be established, under regulation issued by the secretary, to be properly allocable to nonresident indirect partners or other partners not subject to tax on the adjustments; or that can be excluded under procedures for modified reporting and payment method allowed under Paragraph (5) of this Subsection.

(v) Multiply the total of the amounts determined in Subparagraphs (a) and (b) of this Paragraph ~~Subitems (iv)(aa) and (bb) of this Subparagraph~~ reduced by the amount determined in Subparagraph (c) of this Paragraph ~~Subitem (iv)(cc) of this Subparagraph~~ by the highest tax rate under R.S. 47:32 for individuals and R.S. 47:300.1 for trusts and estates.

* * *

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 596

SENATE BILL NO. 95
BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 47:337.102(H) and (I)(1) and to enact R.S. 47:337.26(D)(1)(f) and 337.102(C)(10), relative to the Uniform Local Sales Tax Board; to create a multi-parish audit program; to provide for confidentiality of taxpayer information; to provide for the operations of the program; to provide relative to the funding of the board; and to provide for reporting on the

program to legislative committees; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:337.102(H) and (I)(1) are hereby amended and reenacted and R.S. 47:337.26(D)(1)(f) and 337.102(C)(10) are hereby enacted to read as follows:

§337.26. Contracts for purposes relating to collection of sales and use taxes

* * *

D.(1) Prior to initiating an examination or audit of a taxpayer, the local collector shall provide notice of the intent to audit which shall be sent by certified mail to the taxpayer at the taxpayer's last known address. Such notice shall:

* * *

(f) Beginning July 1, 2023, the notice shall advise the taxpayer that the taxpayer may request a multi-parish audit pursuant to R.S. 47:337.102.

* * *

§337.102. Louisiana Uniform Local Sales Tax Board; creation; membership; powers and duties

* * *

C. Powers and duties of the board. The board may:

* * *

(10) Hold an executive session pursuant to R.S. 42:16 for any of the reasons contained in R.S. 42:17 and for the discussion of matters involving confidential taxpayer information including policy advice, private letter rulings, multi-parish audits, or other matters. The records and files of the board held for the purpose of enforcement of the tax laws of this state and its political subdivisions shall be considered to be the files and records of a political subdivision of the state subject to the provisions of R.S. 47:1508 in the same manner as any other political subdivision enforcing tax laws related to sales and use taxes.

* * *

H. Multi-parish audits.

(1) The Beginning July 1, 2022, the board may develop a coordinated shall implement and coordinate the multi-parish audit process which program.

(2) Multi-parish audit program.

(a) A multi-parish audit may be requested by a taxpayer having a location that:

(i) Has a location in the state and registered to file and remit local sales and use taxes pursuant to a local ordinance in at least three parishes.

(ii) Is not a recipient of a jeopardy assessment issued by any collector.

(iii) Is not engaged in a current audit by a collector for which a notice of intent to assess was issued prior to July 1, 2022.

(iv) Agrees to promptly sign all necessary agreements to suspend prescription.

(v) Is not involved in any litigation with any collector. If a coordinated multi-parish audit program is developed, the program shall be implemented through a pilot program prior to statewide availability.

(b)(i) A taxpayer that qualifies may request a multi-parish audit from the board within thirty days from the issuance of a notice of examination from all of the parishes in which the taxpayer engaged in taxable transactions during the audit period.

(ii) The taxpayer shall notify the board of all parishes in which the taxpayer is registered to file and remit local sales and use taxes or obligated to pay sales or use tax. The board shall send a notice of the multi-parish audit to all parishes identified. Parishes shall have thirty days from the date of the notice to opt in or out of the multi-parish audit. If the parish collector does not respond to the notice within the thirty-day period, that parish shall be considered to have opted out of the multi-parish audit.

(iii) Any parish identified by the taxpayer that opts out of a multi-parish audit shall be prohibited from auditing the requesting taxpayer until after the completion of the multi-parish audit. This prohibition shall not apply to parishes that the taxpayer failed to disclose to the board.

(c) The board shall select and compensate the auditors who will conduct the multi-parish audit. Nothing in this Subsection shall prevent a local collector from furnishing auditors at its own expense to assist the board's auditors in conducting the multi-parish audit. All auditors participating in the multi-parish audit shall be bound by R.S. 47:337.26 and any audit protocols required by the board.

(d) The board shall facilitate consistent treatment of taxability of transactions between parishes involved in a multi-parish audit.

(e)(i) Each parish shall review the completed audit and shall make an independent determination regarding the issuance of a notice of intent to assess within forty-five days of receipt of the completed audit.

(ii) Notwithstanding any provision of law to the contrary, a notice of intent to assess arising from a multi-parish audit shall interrupt prescription for the parish issuing the notice of intent to assess.

(iii) The board shall notify any parish that opted out of the multi-parish audit that the audit has been completed within thirty days of the completion of the audit.

(f) After the issuance of the notices of intent to assess, the taxpayer may request a joint administrative hearing in which all parishes that opted into the multi-parish audit may participate. The board shall coordinate the hearing.

(g) The board shall develop audit procedures, hearing procedures, and any other provision necessary for the implementation of the multi-parish audit program.

(3) Beginning January 1, 2024, the board shall report annually to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means on the multi-parish audit program. The report shall include the

number of multi-parish audits that were requested by taxpayers and initiated in each fiscal year, the number of multi-parish audits that were completed in each fiscal year, and the number of multi-parish audits for which each parish had opted in and opted out. The report may include recommendations for legislation to streamline or improve the program and any other information the board determines to be relevant. The report prepared and provided pursuant to this Paragraph shall not violate any individual taxpayer's confidential information under R.S. 47:1508.

I. Funding. (1) The board shall be funded through a dedication of a percentage of the total statewide collections of local sales and use tax on motor vehicles, as provided for in an agreement with local collectors and in accordance with the limitations provided in this Paragraph and the budgetary policy as provided in Paragraph (2) of this Subsection. Monies shall be payable monthly from the current collections of the tax. The dedication shall be considered a cost of collection and shall be deducted by the state and disbursed to the board prior to distribution of tax collections to local taxing authorities. The dedication shall be in addition to any fee imposed by the office of motor vehicles for the collection of the local sales and use tax on motor vehicles. The amount to be disbursed to the board in any fiscal year after Fiscal Year 2018-2019 shall not, under any circumstances and notwithstanding any budget adopted by the board, exceed the following:

- (a) ~~In Fiscal Year 2017-2018, one-fifth of one percent of the collections.~~
- (b) ~~In Fiscal Year 2018-2019, one-quarter of one percent of the collections.~~
- (c) ~~In Fiscal Year 2019-2020 and each fiscal year thereafter, three-tenths of one percent of the collections.~~

* * *

Section 2. This Act shall become effective on July 1, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or July 1, 2022, whichever is later.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 597

SENATE BILL NO. 167

BY SENATORS TALBOT, BARROW, CARTER, HENSGENS, LUNEAU,
MCMATH, FRED MILLS, MIZELL AND POPE

AN ACT

To amend and reenact R.S. 40:2009.25(A), (C) through (E), and (I) and to enact R.S. 40:1563(N), relative to emergency preparedness plans for nursing homes; to provide for the duties of the state fire marshal; to provide for the duties of the Louisiana Department of Health; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2009.25(A), (C) through (E), and (I) are hereby amended and reenacted and R.S. 40:1563(N) is hereby enacted to read as follows:

§1563. Powers and duties generally; use of deputies; responsibilities of local governing authorities with fire prevention bureaus; open structures and process structures; fees

* * *

N. The fire marshal shall take all steps necessary and proper to perform inspections as required by R.S. 40:2009.25.

* * *

§2009.25. Emergency preparedness plans for nursing homes; applicable parishes; requirements; Nursing Home Emergency Preparedness Review Committee; rules and regulations; application

A. Due to the threat hurricanes pose to the parishes of Acadia, Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion, nursing homes located in these parishes shall develop an emergency preparedness plan which shall be submitted to the Louisiana Department of Health, bureau of health services financing, emergency preparedness manager, ~~by August 1, 2006.~~

* * *

C. Each summary of the emergency preparedness plan shall include and identify at a minimum:

- (1) A primary sheltering host site outside the area of risk, verified by written agreements or contracts and any other alternative sheltering host sites that the nursing home may have.
- (2) Proof of transportation or a contract with a transportation company, verified by a written transportation agreement or contract.
- (3) Staffing patterns for evacuation, including contact information for such staff.

(4) A detailed plan to address emergency power in the event of the loss of primary electrical power in that nursing home if evacuation from the nursing home is not required.

D.(1)(a) Upon receipt of an emergency preparedness plan or summary of an updated plan submitted by a nursing home pursuant to this Section, the Louisiana Department of Health shall confirm that the plan contains the minimum requirements as provided in Subsection C of this Section.

(b) Each nursing home's primary sheltering host site and any other

alternative sheltering host sites as provided in the nursing home's emergency preparedness plan shall be inspected and approved by the office of state fire marshal in accordance with the rules and regulations established pursuant to Paragraph (2) of this Subsection.

(c) If the state fire marshal fails to inspect a sheltering host site within fifteen business days after the Louisiana Department of Health receives a nursing home's emergency preparedness plan or summary of an updated plan, the sheltering host site shall be considered conditionally approved until the completion of the federal survey of the nursing home by the department as required by the Centers for Medicare and Medicaid Services.

(2)(a) The secretary of the Louisiana Department of Health shall prescribe and publish, in accordance with the Administrative Procedure Act, criteria for evaluation of all emergency preparedness plans.

(b) The secretary of the Louisiana Department of Health and the state fire marshal shall, in collaboration, promulgate rules and regulations, in accordance with the Administrative Procedure Act, for the inspection and approval of a nursing home's primary sheltering host site and any other alternative sheltering host sites as provided in the nursing home's emergency preparedness plan.

E. The Louisiana Department of Health shall do all of the following:

- (1) Review the emergency preparedness plans.
- (2) Prepare findings from the collected information.
- (3) Share such the findings with the Nursing Home Emergency Preparedness Review Committee.

(4) Confirm that the state fire marshal has approved a nursing home's primary sheltering host site and any other alternative sheltering host sites as provided in the nursing home's emergency preparedness plan prior to issuing a license or renewing a license for the nursing home.

* * *

I.(1) The provisions of this Section shall be in addition to all other licensing and certification laws, standards, rules, and regulations for nursing homes.

(2) No nursing home shall receive a license or have a license renewed unless the nursing home is in compliance with this Section.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State
